Law vol. 16.

THE

TRIAL

(AT LARGE)

OF

JOSEPH STACPOOLE, *Esq*;
WILLIAM GAPPER, *Attorney at Law*,

AND

JAMES LAGIER:

FOR

WILFULLY AND MALICIOUSLY

SHOOTING AT

JOHN PARKER, *Esq*;

TRIED AT THE

ASSIZE, held at MAIDSTONE, for the County of KENT,

On THURSDAY, MARCH 20, 1777,

BEFORE THE HONOURABLE

SIR RICHARD ASTON, KNT.

One of the Juſtices of his Majeſty's Court of King's-Bench.

TAKEN, IN SHORT-HAND,

By JOSEPH GURNEY.

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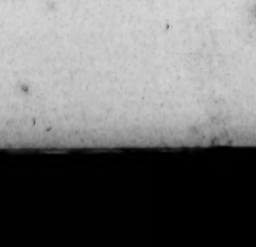
BY JOSEPH GARNIER



THE TRIAL, &c.

Joſeph Stacpoole, Eſq; *William Gapper*, and *James Lagier*, who were indicted the laſt Aſſizes and put in Bail; having ſurrender'd in diſcharge of their Bail, they were immediately arraigned upon the following Indictment, to which they pleaded *Not Guilty*, and put themſelves upon their Country.

INDICTMENT.

KENT. THE Jurors for our Lord the King upon their oath preſent, That Joſeph Stacpoole, late of the pariſh of Dartford, in the county of Kent, eſq; William Gapper, late of the ſame, gentleman, and James Lagier, late of the ſame, yeoman, being evil-deſigning and diſorderly perſons, and of wicked and malicious minds and diſpoſitions, and not regarding the laws and ſtatutes of this realm, nor fearing the pains and penalties therein contained, after the firſt day of June, in the year of our Lord one thouſand ſeven hundred and twenty-three (to wit) on the 17th day of Auguſt, in the fifteenth year of the reign of our Sovereign Lord GEORGE the Third, now King of Great-Britain, and ſo forth, with force and arms at the ſaid pariſh of Dartford, in the ſaid county of Kent, in and upon one John Parker, eſq; in the peace of God and our ſaid Lord the King, in a certain dwelling-houſe there ſituate, then and there being, unlawfully, wilfully, maliciouſly, and felonioufly did make an aſſault; and that the ſaid Joſeph Stacpoole, with force and arms, at the pariſh aforeſaid in the county aforeſaid, with a certain gun, which he the ſaid Joſeph Stacpoole in both his hands then and there had and held, and which ſaid gun was then and there loaded with gunpowder and divers (to wit) three leaden bullets, did then and there in the ſaid dwelling-houſe felonioufly, wilfully, and maliciouſly ſhoot at the ſaid John Parker (he the ſaid John Parker being then and there in the ſaid dwelling-houſe) and that the ſaid William Gapper and James Lagier, at the time of the felony aforeſaid by him the ſaid Joſeph Stacpoole, in form aforeſaid done and committed, were then and there preſent, aiding, abetting, aſſiſting, comforting, and maintaining the ſaid Joſeph Stacpoole the felony aforeſaid to do and commit, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid Lord the King, his crown and dignity. And the Jurors aforeſaid, upon their oath aforeſaid do further preſent, That the ſaid Joſeph Stacpoole, William Gapper and James Lagier, on the ſaid 17th day of Auguſt, in the ſaid fifteenth year of the reign of our ſaid Lord the King, with force and arms, at the pariſh aforeſaid in the county aforeſaid, in and upon the ſaid John Parker, in the peace of God and our ſaid Lord the King, then and there being, unlawfully, wilfully, maliciouſly, knowingly, and felonioufly did make a violent aſſault; and that the ſaid Joſeph Stacpoole, with force and arms, at the pariſh aforeſaid in the county aforeſaid, with a certain other gun, then and there loaded with gunpowder and divers (to wit) three leaden bullets (which ſaid laſt mentioned gun he the ſaid Joſeph Stacpoole in both his hands then and there had and held) did then and there felonioufly, wilfully, and maliciouſly ſhoot at the ſaid John Parker; and that the ſaid William Gapper and James Lagier, at the time of the felony laſt aforeſaid done and committed, were then and there preſent, aiding, abetting, aſſiſting, comforting, and maintaining him the ſaid Joſeph Stacpoole, the felony laſt aforeſaid, in manner

and form laſt aforeſaid to do, commit and perpetrate, againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid Lord the King, his crown and dignity. And the Jurors aforeſaid, upon their oath aforeſaid do further preſent, That the ſaid Joſeph Stacpoole, William Gapper and James Lagier, on the ſaid 17th day of Auguſt, in the fifteenth year aforeſaid, with force and arms, at the pariſh aforeſaid in the county aforeſaid, with a certain other gun, loaded with gunpowder and divers (to wit) three leaden bullets, feloniouſly, wilfully, and maliciouſly did ſhoot at the ſaid John Parker (he the ſaid John Parker then and there being, in the peace of God and our ſaid Lord the King, and alſo then and there being in a certain dwelling-houſe ſituate in the pariſh aforeſaid in the county aforeſaid) againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid Lord the King, his crown and dignity. And the Jurors aforeſaid, upon their oath aforeſaid do further preſent, That the ſaid Joſeph Stacpoole being an ill-deſigning perſon, of a wicked and malicious diſpoſition, and not regarding the laws and ſtatutes of this realm, nor the pains and penalties therein contained, after the firſt day of June, in the year of our Lord one thouſand ſeven hundred and twenty-three, (to wit) on the ſaid 17th day of Auguſt in the fifteenth year aforeſaid, with force and arms, at the pariſh aforeſaid in the county aforeſaid, with a certain other gun loaded with gunpowder and divers (to wit) three leaden bullets, (which ſaid gun he the ſaid Joſeph Stacpoole in both his hands then and there had and held) feloniouſly, wilfully and maliciouſly did ſhoot at the ſaid John Parker (he the ſaid John Parker then and there being in the peace of God and our ſaid Lord the King, and alſo then and there being in a certain dwelling-houſe ſituate in the pariſh aforeſaid in the county aforeſaid) againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid Lord the King, his crown and dignity; and that the ſaid William Gapper and James Lagier being alſo ill-deſigning perſons, and of wicked and malicious diſpoſitions, at the time the ſaid felony laſt mentioned was committed by the ſaid Joſeph Stacpoole in manner and form aforeſaid, (to wit) on the ſaid 17th day of Auguſt in the fifteenth year aforeſaid, with force and arms, at the pariſh aforeſaid in the county aforeſaid, unlawfully, wilfully, maliciouſly and feloniouſly were preſent, aiding, abetting, helping, comforting, aſſiſting and maintaining the ſaid Joſeph Stacpoole, the felony aforeſaid in manner and form aforeſaid to do and commit. And ſo the Jurors aforeſaid, upon their oath aforeſaid, do ſay, That the ſaid Joſeph Stacpoole, William Gapper, and James Lagier, on the ſaid 17th day of Auguſt in the fifteenth year aforeſaid, at the pariſh aforeſaid in the county aforeſaid, with force and arms the felony laſt aforeſaid, in the form aforeſaid, unlawfully, wilfully, maliciouſly and feloniouſly did do and commit; and each of them did do and commit againſt the form of the ſtatute in ſuch caſe made and provided, and againſt the peace of our ſaid Lord the King, his crown and dignity.

J U R Y.

BENJAMIN TANNER,	JAMES COCKLE,
JOHN CROUCH,	JOHN BARTON,
THOMAS WILLIAMS,	HENRY BARTON,
HENRY BUNNETT,	THOMAS BRIGDEN,
JASPER SPRAYNE,	JOHN SAXBY,
STEPHEN BUNNETT,	SOLOMON BARTON.

COUNSEL for the CROWN.	*COUNSEL for the PRISONERS.*
Mr. Serjeant GLYNN,	*Mr. Serjeant* KEMPE,
Mr. THORNTON,	*Mr.* ROBINSON,
Mr. SILVESTER.	*Mr.* LADDE,
	Mr. PECKHAM,
	Mr. ALLEYNE,
	Mr. MINGAY.

SOLICITOR for the PROSECUTION.	*SOLICITOR for the DEFENDANTS.*
Mr. RUDD, *of Great Queen-Street.*	*Mr.* JOHN PALMER, *of Chancery-Lane.*

The

The Indictment was opened by Mr. SILVESTER.

Mr. Serjeant GLYNN.

May it pleaſe your Lordſhip and Gentlemen of the Jury, to favour me likewiſe in this caſe, for the proſecution.

The ſubject of this proſecution, and the offence that theſe gentlemen are charged with, you have heard deſcribed to you, in the Indictment that has been opened; and, Gentlemen, I ſhall obſerve no more upon it, than to inform you, That this is an enquiry into the conduct of theſe three defendants, upon the charge againſt them of having committed, what the Legiſlature conſidered as an offence of ſufficient danger to the community, to provide a capital puniſhment for; and therefore you are now to try theſe gentlemen for their lives, upon that charge.—Having ſaid this, I ſhould be very unwilling, if it was in my power, to act upon your minds ſo as to excite any prejudice, with reſpect to the queſtion that you are to try; and as the enormity of the offence is frequently mentioned, and may have the effect of inflaming. Gentlemen, at the ſame time that I tell you it is of that magnitude, that the Legiſlature has thought proper to rank it amongſt capital offences; I ought to tell you, that it is mentioned only for the purpoſe of drawing your ſerious, deliberate, and impartial attention to the queſtion you are trying: An attention, equally due in juſtice to the proſecution, and in tenderneſs to the perſons now charged.

I muſt likewiſe apprize you, of the ſituation of the perſon who ſpeaks to you. I am Counſel for the proſecution; and, Gentlemen, though I hold it to be a duty, as Counſel for the proſecution in a capital, or indeed any felonious charge, to proceed with care in laying the circumſtances of the caſe before the Jury, for their obſervation, aſſiſted by the learned Judge who preſides at the trial, without any arguments, and much leſs without any endeavours to inflame againſt the perſons that are to be tried; yet, as it is ſtill a duty that a Counſel owes to juſtice and to his client, to bring forth the facts that are to ſupport the charge. As his attention therefore has been to one ſide of the queſtion, I ſhould be very unwilling to derive any particular credit to any thing that I can aſſert. It would be a very inſiduous profeſſion of candour, if I was to tell you, that I look upon myſelf as indifferent. My taſk and my province, is only to ſee that the evidence is properly brought forth and laid before you, that juſtice might be done, without a wiſh that there ſhould be a conviction. If juſtice requires it, let it follow; if it does not, I ſhould be the furtheſt man in the Court from wiſhing it.

Gentlemen, in reſpect to any particular obſervation that I ſhall make, in the courſe of the trial, I am happy in this conſideration; that every thing that I ſhall ſay, and offer to ſtate as the evidence, you will duly conſider and examine, and compare with the evidence that is to be produced, and all my errors and inaccuracies in ſtating of it will be corrected. With regard ro the Law, I feel myſelf more eaſy, becauſe all errors will find their correction by the learned Judge; and you will be to find your Verdict under ſuch directions, as you will receive from the Bench.

Having ſaid this, I will now proceed to ſtate, what I apprehend to be the Law upon which theſe priſoners are tried. There was yeſterday (poſſibly ſome of you attended it) a determination, ſatisfactory to my mind; and I adopt that determination as the criterion, by which you are to govern yourſelves in the trial of this cauſe. If I ſhould miſtake that, if I ſhould not ſtate it ſufficiently favourable to the priſoners, my manner of ſtating it will likewiſe be corrected by the Bench.

 I apprehend

I apprehend, that in a proſecution of this kind, it is not ſufficient to ſupport this Indictment, that the charge upon the defendants be for having willfully and maliciouſly diſcharged a gun at Mr. Parker, the proſecutor; for if we ſhould prove no more than that they were armed with guns and piſtols, lawfully and with no malicious or improper purpoſe, and upon ſome ſudden provocation that ſhould be given at the time (or much leſs if by accident, if that ſhould turn out to be the caſe) they ſhould through heat and intemperance proceed to an extremity and a violence that would find no legal juſtification, yet that would not be the offence deſcribed in this Act of Parliament, I am inſtructed to go further, and if I was not I would not undertake to ſupport this proſecution, therefore you muſt judge how far my inſtructions, as I ſtate them, ſupport me; and when the evidence is called, you will judge likewiſe how far the evidence ſupports the inſtructions.

Gentlemen, I undertake in behalf of the proſecution in this cauſe to ſay, that Mr. Stacpoole diſcharged a muſket, by which Mr. Parker has been very dangerouſly wounded, upon a malicious intention, and a preconceived malice to Mr. Parker; at leaſt, Gentlemen, that is what we muſt ſupport, to entitle the proſecution to your Verdict. That is the queſtion therefore that you are to try, whether this ſhooting at Mr. Parker, by which he was wounded in a very dangerous manner, was by accident, or whether it was upon ſome ſudden provocation that aroſe at the time; though, if that was the caſe, they proceeded to a length and violence that no provocation hardly can give a legal juſtification to: Yet they are not, in that caſe, guilty of the offence they are charged with in this Indictment. You will apply the evidence with this conſideration, whether it does or does not prove that there was an antecedent malice to Mr. Parker. That malice being a matter that lies hid in the breaſt of man, it is an inference that you muſt collect from all the circumſtances of the caſe; and if thoſe circumſtances appear ſufficiently ſtrong, and pregnant of that inference, to afford clear ſatisfaction and conviction to your minds, that the priſoners are guilty under that definition; then, Gentlemen, you will find the priſoners guilty—If it does not afford that clear ſatisfaction, moſt undoubtedly your Verdict will be otherwiſe.—The circumſtances of the caſe then, I now proceed to ſtate to you.

Mr. Parker is a gentleman of conſiderable fortune in Ireland; Mr. Stacpoole is a gentleman of the profeſſion of the law, and negotiates the advance of money, by commiſſion; he was ſo employed by Mr. Parker. Mr. Gapper is an attorney, connected in the ſuit; and Mr. James Lagier, whether he was generally employed as a bailiff, I don't know; but however, he was the bailiff upon this occaſion, for the purpoſe of arreſting Mr. Parker.

Gentlemen, I do not think it at all material to this caſe, to ſtate to you the antecedent tranſactions and diſputes between Mr. Parker and Mr. Stacpoole—Which of the parties miſbehaved in that matter, is certainly indifferent to the merits of the queſtion that you are now to try; becauſe if you ſhould judge that Mr. Stacpoole had miſbehaved, yet you would not now feel a rememberance of it; for this is quite a different offence to any thing that can be imputed to Mr. Stacpoole in that tranſaction: But for fear this ſhould be conſtrued as an intimation of ſomething that would affect Mr. Stacpoole, I frankly confeſs, that I have no inſtructions to impute any thing to Mr. Stacpoole before this tranſaction; that this ſingle tranſaction is the only one in Mr. Stacpoole's life that, to my information, tends to call in queſtion his character. If he is acquitted of this, he is as clear and unimpeached in his character as any man in this Court. I ſay this, leſt I ſhould be ſuppoſed to inſinuate ſomething to his diſadvantage. It is this ſingle queſtion that you are to try, and as to all other queſtions relative to the conduct of theſe parties, it is ſufficient for me to tell you, that there was a diſpute between them; it is very immaterial to this queſtion, which was right in that diſpute.

Mr. Parker expected to raiſe a large ſum of money upon his eſtate; diſappointed in that view, and having embarraſſed himſelf by advancing large ſums

of

of money for his friends, Mr. Parker was under the neceſſity of leaving the kingdom, to prevent the inconveniencies of lying in priſon 'till he could get into caſh, though he has a conſiderable fortune. There was a diſpute between theſe gentlemen: One inſiſted, that the ballance was in his favour; the other inſiſted, that the ballance was for him. This being the caſe, and Mr. Parker having reaſons for not communicating to Mr. Stacpoole his intention of leaving the kingdom, Mr. Stacpoole did not know of it, at that time. He did not know what I am now going to relate to you. I mention it merely for the ſake of clearing Mr. Parker's character, as I go on: And this too, Gentlemen, does not pertain at all to the queſtion that you are to try. Mr. Parker went to Dartford, with an intention to go to France; to keep himſelf out of the kingdom for two or three months, 'till his affairs took another turn. He took ſome friends with him; and, at Dartford, *he executed proper ſecurities*, with an intention that Mr. Stacpoole might not be a loſer.—Tho' this does not at all aggravate the conduct of Mr. Stacpoole, becauſe Mr. Stacpoole did not know it. Mr. Stacpoole acted upon an apprehenſion that Mr. Parker was gone out of the kingdom in his debt, without having provided for the payment of that debt. Under that apprehenſion Mr. Stacpoole ſues out a writ againſt Mr. Parker. I am inſtructed, that he ſued out likewiſe another writ for 8col. againſt Mr. Parker, at the ſuit of another perſon. This writ was ſpecially directed, I believe, to Lagier. This writ was not delivered to the ordinary officers of the county to execute, but they ſet out to execute it themſelves, and they provided guns and piſtols. They did not, I believe, ſet out with any apprehenſion that Mr. Parker was making any ſtay at Dartford, that was quite unknown to them; indeed all the tranſactions at Dartford, previous to their coming there, were quite unknown to them.

Now, Gentlemen, comes the material part of the tranſaction.—Upon their arrival at Dartford, and being informed that Mr. Parker was at the Bull, it ſeems they ſaid that Mr. Parker and his friends were ſwindlers, and they marched up ſtairs. Mr. Stacpoole had a gun in his hand. There were ſitting in the room, Mr. Parker and two or three other gentlemen. Mr. Parker travelled with piſtols; but the piſtols, as I am inſtructed, were lying upon the ground; they were put aſide not as if they were meant to be uſed, and they were not charged. Theſe circumſtances, to be ſure, do not any of them go a great way. In this ſituation the proſecutors, Mr. Parker and his friends were, at the time theſe gentlemen ruſhed into the room. Immediately upon ruſhing into the room, the gun, in the hands of Stacpoole, was diſcharged at Mr. Parker, and Mr. Parker fell down. Now, Gentlemen, there were ſome particular expreſſions made uſe of, that you will certainly hear from the witneſſes; what weight they deſerve you will give them. At the time of diſcharging the gun, this remarkable expreſſion accompanied it from Mr. Stacpoole, "have at ye," and the gun was pointed at Mr. Parker; that is an exceeding material circumſtance for you to enquire into the truth of. The manner of preſenting the gun, and of diſcharging it, is all very material for you to ſatisfy yourſelves about.—It is ſtated to me, that the gun was held out in this manner, and at the diſcharge of the gun the expreſſion was, "now I have caught you?" and an opprobrious epithet attending it. Mr. Parker received a very terrible wound, and he inſtantly fell. The Surgeon will give you an account of the nature of the wound. Whilſt Mr. Parker was lying in that condition, Mr. Stacpoole, inſtead of expreſſing any pity or compaſſion, or making a plea that the gun had gone off by accident, Mr. Stacpoole is charged with having ſaid, "if you had twenty lives, you deſerve to loſe them all." That you will hear proved by witneſſes, and you will judge of the truth of that part of the evidence, and determine upon the truth of it, and then you will conſider what weight theſe circumſtances ought to have.

The manner of entering the room will be very material; whether it was as they have repreſented; a ſudden ruſhing into the room, and a wilful deſigned diſcharge, without any thing that could ruffle or inflame the mind of Mr. Stacpoole, riſing ſuddenly upon that occaſion, proceeding from the conduct of Mr. Parker, or any perſon in the room, towards him; that will be very important for you to be thoroughly ſatisfied of in the courſe of this evidence.

Gentlemen,

Gentlemen, I believe I have now ſtated all the evidence that I am inſtructed to lay before you. The ſituation of the wound you will hear from the ſurgeon.—Whether the wound was ſuch as was likely to ariſe from an accidental diſcharge of the gun, will be very material for you to conſider.

If it is the defence of the gentlemen that the gun went off by accident, and if you find evidence to contradict that defence, it will be very material for you to conſider whether ſuch a plea as that was inſtantly made? or whether the conduct and language of Mr. Stacpoole were at that inſtant ſuch as I have repreſented to you? theſe ſeem to be material circumſtances.

Gentlemen, you will diſtinguiſh between theſe three ſeveral defendants: The evidence as I have repreſented it, if it is not in any degree weakened or contradicted by the evidence that will be produced in behalf of the defendants, affects the ſeveral defendants in a very different degree; and, for the ſake of juſtice, you will certainly not confound their three caſes together; it principally, undoubtedly, affects Mr. Stacpoole.

You will maturely conſider, whether you think yourſelves warranted, by the evidence, in making this inference? That they ſet out from London with a malicious intention to do ſome corporal injury to Mr. Parker; and that, without any provocation whatſoever, when they entered the room the gun was ſo diſcharged. If you think that charge is ſupported againſt them, they will fall within the predicament of the capital Act of Parliament upon which this proſecution is ſuſtained.

On the other hand, if you ſhould be inclined to think that the gun went off by accident, or that there were ſome ſudden provocation given, and no malicious intention towards Mr. Parker at the time they ſet out, and that theſe circumſtances, ſtrong as they are, are not ſufficient to convince you that there was a malicious intention at entering the room towards the perſon of Mr. Parker, then you will find the defendants not guilty.

Gentlemen, I have ſtated the caſe to the beſt of my inſtructions; I repeat it again, you will watch the evidences I produce; conſider whether they do ſupport the inſtructions. If the inſtructions turn out to be fully proved in your opinion, then it will be for your conſideration, under the directions of the learned Judge, whether ſuch inſtructions maintain the charge that is now brought againſt the priſoners.

WILLIAM

WILLIAM POPE *Sworn.*

I live at the Roſe, at Dartford, which my father keeps.

Q. Look at the priſoners at the bar; do you remember their coming at any time to your father's houſe?

A. I do, it was on the 17th of Auguſt preceding the laſt.

Q. What time was it?

A. Eleven at night; they came to our houſe in a chaiſe and four and a ſaddle horſe.

Q. Who were in the chaiſe?

A. Mr. Stacpoole and Mr. Gapper.

Q. Who was upon the ſaddle horſe?

A. Mr. Lagier. They ordered a chaiſe and four and a ſaddle horſe to be got ready for Rocheſter. Lagier aſked me, if there had been two gentlemen at our houſe that day in a chaiſe and pair? He ſaid, the poſt boy that drove them had a brown waiſtcoat or coat on. I told him no, he ſaid they were ſwindlers, and he, as well as Mr. Stacpoole and Mr. Gapper, deſired me to ſend round to enquire at the other inns. I ſent one of my father's ſervants to make enquiry.

Q. What was the reſult of that enquiry?

A. That there were ſuch gentlemen at the Bull Inn; they aſked me to accompany them. In going out at our gate-way, one of the gentlemen ſaid, bring the arms.

Q. Who deſired you to accompany them?

A. I don't know particularly.

Court. What did the gentleman ſay?

A. Bring the arms.

Q. To whom did he ſay it?

A. To Lagier. I believe there were three fire-arms brought, a ſmall gun and a brace of piſtols; they divided them between their three ſelves.

Q. Who had the gun?

A. I could not tell at that time, being ſo dark; but I ſince learned it was Mr. Stacpoole.

Q. How could you learn?

A. Seeing him in the room after the piece went off.

Q. In what room?

A. The room at theBull. When we came to the Bull gate-way, I deſired Mr. Stacpoole and Mr. Gapper to ſtop there, while Lagier and I went in to enquire after the perſons. I went to the Bull kitchen, and called John King the waiter out, I aſked him where the gentlemen were, that my father's ſervant had been enquiring after; he ſaid, they were up ſtairs and were then juſt going to bed; with that Lagier told him he had got a warrant againſt them and muſt go up ſtairs; the waiter aſked him to ſit down upon a bench that was in the yard, or walk into the oppoſite room, that they might ſee them paſs along the gallery into the bed-room. Lagier would not ſit down upon the bench he ſaid, but he would go up ſtairs; by that time Mr. Stacpoole and Mr. Gapper had joined us in the yard; it was agreed upon between us, that the waiter ſhould go up ſtairs into the room to make an excuſe, whilſt Lagier paſſed the door to ſee if they were the people or not. Accordingly the waiter and Lagier went up, and Mr. Stacpoole and Mr. Gapper followed him, charging me, in the King's name, to aid and aſſiſt; I ſtopped behind upon the ſtairs, and I heard a piece diſcharged; I inſtantly ran down ſtairs and ſo did a great many people, and particularly Mr. Stacpoole himſelf; I called for aſſiſtance in the ſtreet, and ſo did Mr. Stacpoole; he called for the watch, I went to the Conſtable's houſe, and knocked at his door; Mr. Stacpoole followed me there, I returned up the gate-way, at the Bull, there I ſaw a gentleman, whoſe name I believe is Maſterſon; upon the foot of the ſtairs there were ſome words paſſed between Mr. Stacpoole and him, but I don't recollect what they were; I intermixed with the crowd and went up ſtairs into the room; when I came into the room, I ſaw Mr. Parker lying on the floor, with his hands in this form (deſcribing it) upon his belly, I ſtaid in the room till Mr. Parker was moved out.

Q. What paſſed when you was in the room?

A. A great many words paſſed between Mr. Ball and Mr. Stacpoole.

Court. What were they?
A. I remember Mr. Ball called him a villain and a murderer,
Q. What did Mr. Stacpoole ſay?
A. I don't know.

CROSS EXAMINATION.

Q. They aſked you, you ſay, to accompany them?
A. Yes.
Q. You mentioned afterwards their having a warrant againſt theſe gentlemen, who were ſuppoſed to be at the Bull Inn?
A. Yes, that was ſaid in the Bull Yard.
Q. Was there any mention of a warrant before you got to the Bull Yard, in going there?
A. I don't recollect whether there was or not.
Q. They aſked you to accompany them?
A. Yes.
Q. Then there was nothing paſſed at all in the paſſage, between the Roſe Inn and the Bull Inn?
A. Nothing material.
Q. If you had imagined that they were going upon the intention which this day is attributed to them, you would not have accompanied them I preſume?
A. No.
Q. It was in the yard, I think you ſay at the Bull, that Lagier ſaid he had a warrant againſt them?
A. Yes.
Q. Then you was deſired to aſſiſt them; I preſume you mean in ſerving the warrant?
A. Yes, in ſecuring Mr. Parker.
Q. That is, if there ſhould be any occaſion for your aid and aſſiſtance, that you ſhould aſſiſt them in ſerving that proceſs?
A. Yes.
Q. When the waiter aſked Lagier to ſit down upon the bench, Lagier was unwilling you ſaid to ſtay below; was any thing ſaid what his reaſon was?
A. No further than his having a warrant.
Q. When he was aſked to ſit down upon the bench, did no reaſon occur to you, why Lagier was unwilling to ſtay below, or did Lagier aſſign no reaſon for it?
A. No farther than he ſaid they were ſwindlers
Q. Perhaps you know the fact was, that one of the gentlemen did eſcape afterwards?
A. As I have heard.
Q. Whether it did not occur to you, that Lagier's reaſon for objecting to ſit down upon the bench, might be for fear of an eſcape if the waiter went in?
A. I thought ſo.
Q. I think you ſay you did not go to the top of the ſtairs firſt?
A. No.
Q. Did any body, or not, beſides Mr. Stacpoole, and Mr. Gapper, and Lagier, accompany you from your father's to the Bull?
A. Yes, there were two.
Q. Can you at all inform my Lord and the Jury, who they were?
A. Yes, one of their names is Barnard Like, I have known him theſe fifteen years, he lives in London, he was at my father's Inn a viſiting, he followed us to the Bull.
Q. What is the name of the other perſon who followed from the Roſe?
A. Walker.
Q. You did not know his name at that time I believe?
A. I did not.
Q. That perſon that you have ſince found to be Walker, did come from your father's inn?
A. He followed us alſo.

Q. Did

Q. Did you, during this tranſaction, ſee Walker and Like at the Bull?
A. I did, they followed us from my father's to the Bull-inn.
Q. As you ſtopped upon the ſtairs, it is not poſſible for you to know what paſſed after Mr. Stacpoole and Mr. Gapper left you; but the firſt perſon, if I underſtand you right, that you ſaw following you to run out, was Mr. Stacpoole?
A. It was.
Q. Did I take you right that he called the watch as well as you?
A. Yes, and he followed me to the conſtable's houſe too.
Q. You do not know any words that were uſed by Mr. Stacpoole?
A. I do not.

JOHN PARKER, Eſq; *Sworn.*

Q. Was you at Dartford on the 17th of Auguſt was twelvemonth?
A. I was.
Q. Be ſo kind to tell the Court and Jury what happened to you there, at the Bull-inn?
A. I was at the Bull, at Dartford, ſitting after ſupper, in company with Mr. Ball, Mr. Maſterſon and my brother Francis Parker. I ſat at the ſide of the room that was oppoſite the door, and my brother ſat oppoſite me, Mr. Ball ſat at my right, and Mr. Maſterſon was oppoſite Mr. Ball. I was talking to Mr. Ball, and I heard a great noiſe at the door, I turned my head about and I ſaw Mr. Lagier rather firſt, a little before, at the left hand ſide of the three; Mr. Gapper was on the right hand ſide, and Mr. Stacpoole was in the middle; I ſaw a gun levelled at me and I inſtantly ſtood up, Mr. Stacpoole ſaid, *you villain, have I caught you at laſt*, or *found you at laſt*, I cannot ſay which of thoſe words he made uſe of, and before I had time to take a ſecond ſtep, juſt as I roſe, he fired off the gun and he ſhot me through the body with three bullets.
Q. When the gun went off was Mr. Stacpoole at the door-way?
A. No, he was advanced into the room, very near behind my brother, he fired over my brother's right ſhoulder.
Q. You ſaid you had not time to take a ſtep, did you ſay any thing?
A. I ſaid nothing.
Q. Had any body elſe ſaid any thing?
A. No perſon elſe but Mr. Stacpoole.
Q. In what direction did the balls go?
A. They entered the left ſide of my belly and came out near my back.
Q. Higher or lower than where they came in at?
A. They came out lower.
Q. When they had gone through your body, what became of them?
A. They entered the wainſcot of the room, the gun was very highly charged, and the balls, after going through my body and through the wainſcot, flattened againſt the wall.
Q. Were there any candles in the room?
A. Yes, two candles on the middle of the table; the exploſion put out the candles; the room is a high one and it ſhook down part of the ceiling of the room, it was inſtantly dark and they all ruſhed out of the room.
Q. Who ruſhed out of the room?
A. The whole company, in confuſion, and I fell down; they returned in a few minutes; the people that came in firſt, were Wale a waiter, and one Harris a cabinet-maker, and a little after them came in Mr. Stacpoole; when Mr. Stacpoole entered the room, I ſaid, *Stacpoole, you have murdered me*; he replied, *You villain, you deſerve it if you had twenty lives, you deſerve to loſe them*; he ſaid that I was a ſwindler, and running away from my bail, and that I owed him 2000l. there was then a great noiſe and confuſion in the room, after they had diſputed ſome time, Mr. Stacpoole ſaid, he could juſtify ſhooting me, for that he had warrants to arreſt me, and he ſaid that he would teach me to call for my piſtols; that was the firſt time that I ever knew that any arreſt was ever intended againſt me; upon the mention of my piſtols they were tried, they lay in a corner of the room on the ground, they were found to be uncharged, a nd Iwas not the perſon that brought them there;

I had

I had been there two or three days, they were brought down by my brother in the chaiſe he came in that day.

Court. He ſaid he would teach you to call for your piſtols, had you called for your piſtols?

A. Never, I had not ſaid a ſyllable, it was before I could take a ſecond ſtep; I had no notion of talking when I ſaw a gun preſented at me, I was endeavouring to get out of the way as faſt as I could.

Court. You ſaid you ſaw a gun inſtantly levelled at you and you ſtood up, who levelled the gun at you?

A. Mr. Stacpoole. Mr. Gapper, and Mr. Lagier, had each piſtols in their hands.

Q. Did you ſee theſe piſtols examined afterwards?

A. I did, they were loaded, mine were not; a ſurgeon came, I was carried into another room and dreſſed.

Q. Did either of the others ſpeak to you?

A. Mr. Gapper ſaid, at the return into the room, that I was a ſwindler, that Mr. Stacpoole was a man of real property, and that I was not; he ſpoke this to the people round and that I was more frightened than hurt.

Q. Do you think that this gun went off by accident?

A. By no means whatever.

Court. When the gun was levelled and fired at you, upon your oath, can you tell whether you ſaw him pull the trigger?

A. No.

Q. In what manner was the gun held?

A. He held it to his ſhoulder, and levelled it at me, as a man would do that ſhot at another.

Q. You cannot ſay you ſaw him pull the trigger?

A. No, I did not; he fired inſtantly, and when he returned into the room, inſtead of ſhewing any compaſſion, as I ſhould think a man that had done ſuch a thing by accident would do, he made uſe of ſeveral terms that I don't immediately recollect not all the expreſſions, but they were abuſive. He never ſaid then that it was an accident; he never pretended that it went off by chance then.

CROSS EXAMINATION.

Q. I preſume, from what you have ſaid, that there had been ſome length of acquaintance between you and Mr. Stacpoole?

A. Yes, I had known Mr. Stacpoole ſome time.

Q. For how long might that have been?

A. For a couple of years, I ſuppoſe.

Q. What time of day or of night might it be that you came to Dartford? Was it by day or night?

A. It was day.

Q. Do you recollect what part of the day it was?

A. It was in the evening, as well as I recollect.

Q. Do you recollect whether it was in the evening or not?

A. As well as I can recollect it was in the evening. I had come to Dartford two or three days before.

Q. You cannot ſay about what time?

A. I cannot.

Q. Was it before dark or day-light?

A. I think, upon my word, it was day-light, but I am not ſure.

Q. Where did you take the chaiſe from, to come to Dartford?

A. About a mile on this ſide London, on the Dartford-Road.

Q. That is an unuſual place to get into a chaiſe at; whereabouts was it?

A. I don't recollect the name of the place.

Q. How came you to take a chaiſe a mile out of London?

A. At the turnpike I took the chaiſe.

Q. Is it uſual for people that are going to Dartford, upon a turnpike-road, to take a chaiſe a mile out of London? I want you to account for not taking a chaiſe in London, but a mile out of London?

A. Becauſe I did not chooſe to appear in London.

Q. Then

Q. Then you did not come from London?
A. No, I came from Epping-Foreſt.
Q. How long might you have been there?
A. A couple of days, I ſuppoſe.
Q. Had not you been longer there, upon your oath?
A. I was not four days; nor three days, I believe.
Q. You ſpeak only to belief; you might have been ſix days?
A. No, I might not.
Q. Do you ſpeak poſitive that you might not?
A. Yes.
Q. At New-Croſs turnpike, I ſuppoſe, the chaiſe met you?
A. I really don't know the name of the turnpike, it was about a mile out of town.
Q. At what time of the night?
A. It was the middle of the day; it was about three o'clock, I believe.
Q. Who brought the chaiſe to you?
A. Either Mr. Ball or Mr. Maſterſon, I cannot tell which.
Q. I wonder your memory ſhould be ſo inaccurate.
A. A thing that happen'd very near two years ago, I did not think it neceſſary to take any remembrance of it.
Q. Who went to Dartford with you?
A. Mr. Maſterſon.
Q. Then probably he was the perſon that brought the chaiſe?
A. No, I think it was Mr. Ball brought the chaiſe.
Q. Then Maſterſon went to Dartford with you, and your brother came afterwards?
A. Yes.
Q. Perhaps he came from London?
A. I believe he did.
Q. He was not at Epping-Foreſt with you?
A. He was not.
Q. You admit, I take it for granted, that no ſort of item or intelligence, the leaſt hint in the world, had ever been given to Mr. Stacpoole of your intention of going to France?
A. Upon my word I don't know.
Q. It was opened ſo, by your Counſel; you muſt know whether you had ſent any word to Mr. Stacpoole of it?
A. I certainly did not.
Q. You have deſcribed that Lagier came rather firſt into the room?
A. He was rather the firſt perſon I ſaw; I ſaw the three together.
Q. How much might he be firſt?
A. He ſtood about a foot firſt, I ſhould ſuppoſe.
Q. Who was the ſecond?
A. Mr. Gapper.
Q. Did you always think in this way, that Lagier came in a foot firſt?
A. I ſaw the three together, and I always took it that Lagier was rather firſt a ſmall ſpace.
Q. You always underſtood it ſo?
A. I always underſtood ſo.
Q. You never thought that Lagier came in pointedly firſt?
A. I never thought ſo.
Q. Do you mean that they all came in ſo cloſe together, that you could hardly diſtinguiſh which came in firſt?
A. Yes.
Q. Was that always your opinion?
A. It always was.
Q. It ſeems to me, upon a former occaſion, that you have been of another opinion.
A. I don't recollect I have; I always thought that I ſaw the three at the ſame time, but Lagier was rather firſt.
Q. You are ſure that Lagier did not come in alone?
A. That I am very clear of, that I did not ſee him come in alone.

Q. I would recall to your memory the ſituation you deſcribed yourſelf in; namely, on one ſide. I aſk you, whether Lagier might not ſtep in firſt, although you, who ſat ſideways, did not ſee him.

A. He might.

Q. You are ſure you did not hear Lagier ſay any thing?

A. Not a word.

Q. Any thing that he ſaid did not reach your ears?

A. Not a word.

Q. Perhaps you could not think, when you ſaw Mr. Stacpoole's face, that it was poſſible he ſhould think of arreſting you for a debt?

A. I had no notion of Mr. Stacpoole's arreſting me then.

Q. To be ſure it is a very unuſual thing for a creditor to arreſt his debtor. Did not you at firſt ſeeing him gueſs his errand, that he came to arreſt you?

A. Poſitively no.

Counſel. It is very unnatural that a creditor ſhould arreſt his debtor, eſpecially when he is going to France.

A. I look'd upon myſelf at that time more engaged for Mr. Stacpoole than he for me.

Q. Has he not recovered a verdict againſt you in the Court of King's-Bench, for the amount of the writ he iſſued againſt you, on which you were arreſted at Dartford?

A. Yes, for 200*l.* and ſince that I have paid for him 300*l.*

Q. I mean no more than this, that my Lord and the Jury ſhould be poſſeſſed that Mr. Stacpoole had a fair demand which has been eſtabliſhed by a verdict, that is all I mean; I don't want to rake into theſe tranſactions. You had no notion that Mr. Stacpoole meant to arreſt you for this debt?

A. No, I had not that he would do any ſuch thing.

Q. How did Maſterſon and Ball ſit?

A. Ball on my right-hand, Maſterſon at my left-hand.

Q. Which of them fronted the door, as you ſat ſideways?

A. I ſat at the ſide of the room, oppoſite the door. I turned to Ball, to ſpeak to him; Maſterſon ſat at my left.

Q. Was it a round or a ſquare table?

A. A ſquare table; we ſat at the four ſquares of it.

Q. Did they two ſit on the oppoſite ſide of the ſquares, or did either of them ſit on the ſame ſide with you or your brother?

A. They did not.

Q. This circumſtance of the falling of the ceiling, when did you firſt diſcover that?

A. I knew it all along; I knew it always.

Q. I have been referring to my notes, upon a former occaſion; this is quite a new circumſtance, I never heard any thing of this before.

Q. I did not mention that, and there are other circumſtances that I do not always mention.

A. You ſat oppoſite to your brother you know; you will not take upon yourſelf to ſwear, that neither Mr. Maſterſon nor Mr. Ball got up from the table?

Q. Mr. Maſterſon got up from the table to ring the bell, to go to bed. He had returned, and was ſitting down on a table behind his chair, which was oppoſite the chimney oppoſite Mr. Ball. The chimney was immediately behind where Ball ſat. He did not ſit down on his chair, but on the table behind his chair.

Q. So then between the table at which you ſat and the chimney, there was another table?

A. No, Maſterſon.

Q. Then Ball got up from the table?

A. No, he did not.

Q. Are you ſure the candles did not, one of them, fall upon the ground?

A. No they did not, but it was inſtantly dark.

Q. And you did not ſee any perſon, but the perſon who rang the bell, get up from the table?

A. No.

Q. Not even your brother?

A. No.

Q. Your eye was fixed another way, I preſume?

A. My eye was fixed upon Mr. Ball, whom I was talking to.

Q. Now then are you ſure that nobody did, or that you did not hear any body call for your brother's piſtols?

A. No perſon in the room called for piſtols.

Q. You did not hear it, you do not mean to ſay more?

A. I mean to ſay, I think, if any perſon had called for piſtols, I ſhould have heard them.

Q. You have not given any account to-day, of ſomething that you mentioned upon a former occaſion of a bond, or a warrant that you brought down, or that was brought down to you, and that you executed to Mr. Stackpoole for 570 or 670 *l.*

A. There was a bond and a warrant brought down.

Q. Give an account of it, for you have given no account of it to-day.

A. There was a bond and a warrant. The Sunday before Mr. Maſterſon told me, that if I gave a bond to Mr. Stacpoole for ſome money, that he was to have for procuring me 15,000 *l.* and ſome other debt, which amounted, in my opinion, to about one hundred and odd pounds.

Q. How came you to ſay juſt now, before I aſked you the queſtion about the verdict, that you did not think you owed Mr. Stacpoole any thing at all?

A. I did not ſay ſo; I ſaid, I looked upon myſelf as more engaged for Mr. Stacpoole, than I owed him. I was engaged in Securities for Mr. Stacpoole, at that time, for a thouſand pounds; and I deſired this bond not to be given to Mr. Stacpoole, until he got up thoſe ſecurities that I was in for him.

Q. Then you really thought, at this time, that you was not at all indebted to Mr. Stacpoole?

A. Indebted to him, I did; but I was engaged for him, more than what his demand was on me; but on my giving him this bond, he was to take up thoſe engagements. I accepted a bill, at the requeſt of Mr. Stacpoole, for 500 *l.* that bill is out to this very day.

Q. Had not Mr. Stacpoole accepted a multitude of bills for you?

A. He accepted a ninety-nine pounds bill for me.

Q. And was there not, in this action that was tried, notice of a ſet off.

A. Yes.

Q. And was not the ballance 200 *l.*?

A. It was; but this 500 *l.* that I accepted for Mr. Stacpoole, is out to this very day. I did not mention this bill of 500 *l.* at that time, for Mr. Stacpoole was not the drawer; I accepted it, at his requeſt.

Q. He did it to ſerve you?

A. No, it was to ſerve the other two gentlemen.

Q. Upon the return into the room, you are poſitive and ſure of thoſe words you have repeated?

A. Which words?

Q. The words that were ſpoken by Mr. Gapper and Mr. Stacpoole, after their return into the room.

A. Yes.

Q. You are clear of it?

A. I am, of thoſe that I have mentioned.

Q. Was there any ill blood between Mr. Stacpoole and you? Had you ever any point of quarrel in your lives, before this period of time?

A. We had not.

Mr. *Stacpoole.* I ſhould be glad to aſk Mr. Parker a queſtion. He has ſaid, he was engaged in ſecurities for me. He never was engaged in any ſecurity for me in the whole courſe of his life, of any kind whatſoever. I did not inſtruct my Counſel on that head, not conceiving it poſſible he could aſſert any ſuch thing; and am therefore reduced to the neceſſity of aſking him a queſtion myſelf—To whom was he engaged in any ſecurity for me?

A. Mr. Stacpoole came to me, and told me, that he was raiſing a ſum of money for a Mr. Matthew. He brought a draft in his pocket for 500 *l.* He begged that I would accept this draft, and that he would get the money for it. He ſaid, that I never ſhould be called to for this; for as he was getting money for Mr. Matthew, he would take care to have it taken up firſt. This promiſe was not kept,

my

my Lord; for it paſſed into Mr. Clive's bank, and I was ſent to, for this money. I believe that then Mr. Stacpoole went to Mr. Clive, and told him not to ſend to me any more for it. I believe that was the reaſon I was not troubled any further about it.

Mr. *Stacpoole.* I would willingly aſk another queſtion—Who the drawer of that bill was?

A. Mr. Matthew.

Mr. *Stacpoole.* Did you accept that bill to oblige Mr. Matthew, or me?

A. To oblige you, on your aſſurance that he would have this bill taken up.

Court. That there were dealings between theſe two Gentlemen there is no doubt, I ſuppoſe.

Counſel. Well Mr. Parker, as you do not ſeem diſpoſed to give that candid account of your dealings with Mr. Stackpoole that might be expected, I'll drop that ſubject, as it does not concern the queſtion now before the court.

Counſel for Mr. Gapper. Before this accident happened you did not hear Mr. Gapper ſay any thing at all?

A. Nothing at all.

Q. Had you ever any acquaintance with him?

A. No.

Q. Nor never ſaw him, before that night?

A. No.

Counſel. I ſhall not aſk any more queſtions for Mr. Gapper.

Court. There is no occaſion for it, there is nothing ſaid againſt him.

THOMAS BALL *Sworn.*

Q. Were you in the room with Mr. Parker at Dartford, this evening?

A. I was.

Counſel. Tell what you know of the tranſaction.

Court. Begin upon the coming into the room.

Q. How did the perſons come into the room, and what did they do?

A. Mr. Stacpoole was advancing to the left, and was entirely in the room, and before the reſt of the people; when I turned about, he was quite in the room.

Q. When you turned about Mr. Stacpoole was in the room?

A. He was.

Q. Was there any one in before him?

A. There were two or three to his right-hand. He advanced nearly behind the back of Mr. Francis Parker, who was ſitting oppoſite to his brother. I was ſitting at the right-hand of Mr. John Parker, leaning on my right-hand, liſtening in an attentive manner to what he was ſaying. On hearing a buſtle at the door, I turned about. Mr. Stacpoole cried out, have I caught you, you villain? and fired acroſs the table.

Q. Who did he addreſs himſelf to?

A. I ſuppoſe to Mr. Parker, who was oppoſite him, and he fired directly. At the time the piece was fired I was not off my chair, I was endeavouring to riſe, but I had not puſhed my chair from the table; the candles were inſtantly out, I ſuppoſe by the fire, and we all ran out of the room in great confuſion.

Court. You ſay it was oppoſite Mr. Parker, and he ſaid, have I caught you, you villain? and fired; did you ſeem him pull the trigger?

A. I cannot ſay, nor can I even ſay whether both his hands were to the piece or not; but I can ſwear that the piece was up at his ſhoulder, and the piece was up at his ſhoulder from the time I ſaw him ſtand in the room; I ran into the gallery. I ran down the gallery, and imagining it was ſome robbers (for I did not know Mr. Stacpoole's perſon, or any of the people that entered the room) I leaped over the gallery; I fell into the yard upon a poſt chaiſe; by that time there were ſome people aſſembled at the bottom of the ſtairs, among the reſt Mr. Stacpoole. Mr. Maſterſon was one of them, and he there charged Mr. Stacpoole with the murder of his friend, pulling out a bond that I had filled up; ſee there, ſays he, he has done what you required.

Court. Was any anſwer made to that?

A. He

A. He ſaid, how was I to know any thing of this matter? or ſomething of that ſort. We returned into the room and Mr. Stacpoole returned with us, where we found Mr. Parker bleeding. Mr. Parker ſaid, Stacpoole, you have murdered me. Mr. Stacpoole ſaid, you deſerve it, if you had twenty lives.

Court. Was this after Maſterſon had ſhewn him the bond?

A. Yes, He had told the people that were about us, that we were ſwindlers; I called him a villain and a murderer; and we had a ſcuffle. Mr. Gapper ſaid, this gentleman, meaning Mr. Stacpoole, is a man of real fortune. Gentlemen, ſays I, don't mind it, he is nothing but a money-broker; he ſaid, Mr. Parker was running away from his bail; he was explaining to the people round him, that he had bailed him out of priſon, and he was running away. There were ſome that were affected with it, others ſeemed not to mind it. I ſaid he was nothing but a money-broker; that I ſaid, in order to get Mr. Parker taken care of; then Mr. Parker was carried out of the room; after Mr. Parker was out of the room, Mr. Stacpoole ſaid, I had collared him; he ſaid, this was all your fault; this was ſome time after our return.

Q. Do you know any thing more?

A. Nothing, except the directions for filling up the bond; Mr. Parker deſired me to fill up a bond for 570l. I aſked him how that debt was contracted.

CROSS EXAMINATION.

Q. You had been ſome time concerned I believe in the buſineſs of Mr. Parker?

A. No, I was not, I never ſaw Mr. Parker I believe, but once before, till within four months of that tranſaction, and I believe I had ſeen him but ſix times.

Q. Had you known Mr. Stacpoole before this time?

A. I had heard of him, but I ſhould not have known him, if I had met him in the ſtreet.

Q. You had heard of the connections between Mr. Stacpoole and Mr. Parker, from Mr. Parker himſelf?

A. I did hear that he had negotiated a loan for 130001.

Q. Did you underſtand that Mr. Parker had received, by the procurement of Mr. Stacpoole, a large ſum of money, with which he was going to France?

A. I underſtood that he had procured 130001. for him, but it was lodged in Sir Charles Aſgill's bank, and Mr. Parker had not the power over that money.

Q. Did not you underſtand that Mr. Parker was going to France without diſcharging his creditors demands?

A. I knew he was going to France, particularly to make a payment of two debts.

Q. In order that he might go to evade the payment of ſuch debts, as you have alluded to, was not you inſtrumental at the Adelphi in London, in privately removing his baggage and diſcharging his bills there?

A. No, there were two trunks brought to me by two ſervants, I don't know whether they came from the Adelphi or not; I brought theſe two trunks to Dartford, at the time I brought the blank warrant.

Q. You took ſuch things as were neceſſary for Mr. Parker to take with him to France?

A. Yes.

Q. What time of night was that?

A It was in the morning about ten o'clock.

Q. Did you underſtand, that before you took theſe things away, any body had been enquiring for Mr. Parker?

A. No, but I underſtood there were writs out againſt him.

Q. Did you underſtand that any enquiries had been made at the Adelphi for him?

A. I did not.

Q. But ſtill that he thought to keep out of the way, becauſe writs were out againſt him?

A. Yes.

Q. At Dartford you were altogether in the room; did you ever hear of a man whoſe name was Lagier before?

A. Not before the time we were at Dartford.

Q. Did not the waiter juſt before this circumſtance happened, come into the room?

A. He might, but I was leaning on my right elbow, liſtening to Mr. Parker, and I was ſo attentive to what he was ſaying, that I cannnot tell who did come into the room, or who not; but I heard the waiter did.

Q. Don't you know that juſt before this accident happened, the waiter came into the room and removed decanters and glaſſes?

A. I do not.

Q. You ſaid there was a kind of noiſe?

A. Yes.

Q. Were you all ſitting when Mr. Stacpoole firſt entered the room?

A. I don't know the ſituation of Mr. Maſterſon. I know Mr. Francis Parker was in a ſleeping poſture, leaning his head on his hands, I believed him to be aſleep.

Q. Whether, when Mr. Stacpoole firſt entered the room, you took notice of any diſturbance that drew your attention, before you firſt ſaw Mr. Stacpoole in the room?

A. I did not; the firſt man I placed my eye upon was Mr. Stacpoole, and he was advancing.

Q. Am I to underſtand, that your whole attention was fixed upon Mr. Stacpoole, and you ſaw nothing that paſſed before you ſaw him.

A. I ſaw the others ſtanding to his right, juſt as coming in.

Q. Did you ſee no papers, or any thing, by any of thoſe that ſtood by the ſide of Mr. Stacpoole?

A. I did not; after our re-entering the room, Lagier ſearched for a writ.

Q. As you fixed your eye moſtly upon Mr. Stacpoole, but ſtill acknowledge that others were with him in the room; did you ſee any papers, or hear any words paſs, from any perſon that accompanied Mr. Stacpoole into that room?

A. Not a word.

Q. Nor did you hear of any paper, or any thing offered, or a word firſt ſaid to Mr. Parker?

A. No.

Q. Do you know whether Mr. Parker had any piſtols?

A. I do, I brought them.

Q. Where did theſe piſtols lay?

A. In the further corner of the chimney-piece, the chimney-piece comes out; they lay in a nook on the ground; they were taken up by a perſon, when Mr. Stacpoole ſaid I will teach you to call for your piſtols.

Q. Were they within his reach?

A. I think not.

Q. Then if he had wanted them, he muſt have called for them of courſe?

A. I ſuppoſe ſo; but he did not call for them.

Q. Whether you heard Mr. Parker, when he was thus alarmed by the appearance of a man, as he ſays, aiming a gun at him, expreſs one word of ſurprize before the gun went off?

A. I did not hear a ſingle word.

Q. Then did Parker do any thing elſe, except riſe up, notwithſtanding this gentleman had entered the room, as he ſays, and levelled the piece at him?

A. It was very inſtantaneous, and no words paſſed?

Court. How long do you think the whole time might be, from entering into the room till the firing?

A. I don't think you could count five, for I had not time to riſe off my chair from firſt ſeeing him.

Q. I think you have ſworn, that you underſtood Mr. Stacpoole to have the gun in one hand?

A. I could not ſee, whether one or both.

Q. You cannot tell, whether it was in one hand or two?

A. No.

Q. Do you know how far the candles were from this gun?

A. A yard and a half, or two yards, or more I ſhould imagine.

Q. Did

Q. Did the candles both ſtand together?
A. Pretty near one another.
Q. They muſt be pretty near, becauſe they were both blown out?
A. If there had been a candle behind Mr. Stacpoole, it would have blown it out I believe; it was a very great exploſion.
Q. Did you ſee Mr. Stacpoole's finger?
A. I did, it was ſcratched.
Q. Which finger?
A. The right fore-finger.
Q. It bled a good deal?
A. No, it was ſcratched.
Q. Upon the candles going out, all was confuſion?
A. Yes.
Q. You could ſee nothing of courſe, 'till after the return?
A. No.
Q. Upon the return into the room, did Mr. Atkinſon come in?
A. Yes; and ſeeing a gentleman, I addreſſed him.
Q. How long was it before Mr. Atkinſon came into the room?
A. I cannot juſtly ſay; but a great many words had paſſed, and we had been ſcuffling ſome time.
Q. Did he come in with the reſt of the company?
A. I believe not for ſome time after; I think I ſhould have perceived him if he had.
Q. Can you fix the time when he came in?
A. No, but we had been ſcuffling.
Q. Had you any converſation with Mr. Atkinſon?
A. Yes; I wanted him to put his name upon the back of the bond, that I might know when and where to call upon him.
Q. Had you any converſation with him?
A. Yes; he aſked how it came about? I told him the circumſtance how it happened.
Q. Did you tell him, how you believed Mr. Stacpoole ſhot him?
A. Yes.
Q. Did you tell him you believed it was by accident?
A. No, I did not, nor any man.
Q. You did not tell him, as every gentleman of humanity would put the beſt conſtruction upon it, that he was ſhot by accident?
A. I did not tell him ſo, becauſe I did not think ſo.
Q. Here has a great deal been ſaid about bonds and warrants; was not you commiſſioned to give Mr. Stacpoole a ſecurity for a debt, and had not your brother a warrant and a bond for that purpoſe.
A. I omitted filling up a warrant of attorney. Mr. Maſterſon was directed to deliver the bond executed by Mr. John Parker to Mr. Stacpoole.
Q. Who witneſſed it?
A. I witneſſed it; it is here.
Q. How came the warrant not to be filled up?
A. Becauſe I heard Mr. Taylor would have diſcounted it, would have put it in as caſh into Sir Charles Aſgill's bank. I ſaid, I did not think it neceſſary to give him the higheſt ſecurity.
Q. Then Mr. Parker was for doing what was right, giving him a warrant. Does not the warrant affect the real eſtate?
A. Yes.
Q. Don't you know the real eſtate is in mortgage to a Mr. Taylor?
A. Yes; there was ſome money lodged in Sir Charles Aſgill's bank. Mr. Stacpoole being acquainted with him, I thought it would be taken by Mr. Taylor.
Q. You did not chuſe to give that which would hurt Mr. Taylor's ſecurity, but would give a bond, which a man might ſue and wait a great while for the money. But did Mr. Atkinſon tell you, it was a ſtrange thing you ſhould offer a bond, when the money was in Sir Charles Aſgill's bank?
A. I underſtood it could not be let looſe 'till ſome matters were perfected in Ireland, and therefore I underſtood they could not ſtir the money. I underſtood

that money might be raiſed upon this bond. I imagined Mr. Taylor would have diſcounted it, and I imagined no judgment was to be entered on the bond.

Q. Perhaps the end of all this will tend to ſhew, that if there was ſuch great pains to give a ſecurity to Mr. Stacpoole, that there muſt be the foundation of a debt?

A. Yes.

Q. You declare, upon your oath, that you have ſaid nothing to Mr. Atkinſon how you thought this accident happened?

A. I did not, farther than I have ſaid.

Q. When the gun was fired, and Mr. Stacpoole and the other people came into the room, whether the door was not opened?

A. That I cannot ſay, for my attention was taken up looking at Mr. Stacpoole.

Q. If it was done inſtantly, do you know whether they had time to ſhut the door?

A. I believe not, I think the door was partly open.

Q. I aſk you, if you did not know that Francis Parker, the gentleman's brother, made his eſcape upon this occaſion?

A. I did not think that he had ran off to London. I found he had afterwards. I offered to produce him ſeveral times, thinking he was in the houſe.

Q. Did he not leave his brother, at the time this accident happened?

A. He did run with the reſt of the company.

Q. To ſave himſelf from death?

A. I thought ſo.

Q. If the firing of the gun was ſo inſtantaneous, upon Mr. Stacpoole's coming into the room, how could you think theſe were robbers—ſhewn into a room by the waiter?

A. I had not time to collect my ideas; if I had known Mr. Stacpoole, I ſhould not have concluded ſo, and been ſo terrified as to leap over the rails?

Q. Seeing Mr. Stacpoole come into the room, and the door opened by the waiter, if you, upon your oath, will not ſay that you believed the perſons coming in ſo were robbers?

A. From the time that the ſhot was fired, 'till they got into the yard, I did think ſo.

Mr. JOHN MASTERSON *Sworn.*

Q. You was at Dartford, in company with Mr. Parker and Mr. Ball, when this accident happened?

A. I was.

Q. Give an account of what paſſed.

A. Mr. John Parker ſat on that ſide of the room which was fronting the door, Mr. Ball ſat on the right-hand with his back to the chimney, I ſat behind him oppoſite to Mr. Ball, or rather leaning againſt a table that was behind a chair. Mr. Francis Parker ſeemed as if he was drowſey. I heard people talking in an under voice (whiſpering) and upon turning about, I ſaw Mr. Stacpoole enter with a piece, a kind of a gun, levelled in his hand or hands. I was to the right of him; he had his right-hand up, I know. He ſtepped a little to the left, to come oppoſite Mr. John Parker, and ſaid, villain, have I caught you? and fired inſtantly.

Q. Was the piece directed to Mr. Parker then?

A. It was; there were two candles on the table, which went out before I quitted the room. I was exceedingly terrified. I ran out immediately; I ran for about a minute in the gallery; there I ſaw Mr. Ball, exceedingly terrified. He aſked me, who could theſe people be? I was ſo terrified, I could not give him an anſwer; but, in about a minute and a half, I thought I heard a voice that I thought I knew, which was Mr. Stacpoole's. He was calling for aſſiſtance; that they had got thieves and ſwindlers in the houſe. Lights were brought into the yard by ſome of the ſervants, and I ſaw it was Mr. Stacpoole, and was convinced. I then abated a little of my fear, and ventured down ſtairs. There were ſome people aſſembled in the yard, at this time, when I got an opportunity. Mr. Stacpoole

came

came up, very much enraged towards me. I ſaid, you unfortunate man, you have murdered your friend; here is the bond that you have been teazing me for this ſome time. Upon which I pulled the bond out of my pocket, and ſhewed it him.

Q. Did Mr. Stacpoole look to ſee who executed it?

A. No; he replied, how ſhould I know this? or words to that effect. Or, how could I be a conjuror to know this?

Court. Had he ever deſired you to get a bond from Mr. Parker?

A. Yes, he had, a month or more previous to this, which I had promiſed to get executed for him.

Q. Did he deſire you to get a bond, or a bond and a warrant of attorney?

A. I don't recollect that; he ſaid a bond, and that he could get money for it.—Upon re-entering the room, there were two or three people with Mr. Parker, ſome ſervants of the houſe I believe, and ſome other people, and to the beſt of my recollection the candles were lit then. I went and aſked Mr. Parker how he did; he ſaid he was murdered. Mr. Stacpoole ſaid, he deſerved it. He was walking about the room in a great fury; he was very much enraged, and was making great complaints againſt Mr. Parker; that he had ran away from him; that he had taken Mr. Parker out of gaol; that he owed him 2000*l.* and he reproached him very much. I ſaid, Mr. Stacpoole you will be hanged for this; he ſaid no, that he would juſtify it. By this time a number of people were aſſembled, and Mr. Ball, and Mr. Gapper and he had a number of altercations. I was in ſuch a ſtate of mind, that I could hardly ſtand it. *Mr. Ball ſaid, who did this?* Mr. Stacpoole ſaid, I? then he ſaid, I ſee a villain and a murderer? upon which they were going to fight.

Q. Did you obſerve, when they firſt came into the room, what they each had in their hand?

A. Gapper and Lagier had each a piſtol in their hands, and Lagier had a ſaſh for a piſtol by his ſide.

Q. Did Ball ſtir from his ſeat?

A. I cannot tell; what ſtruck me was the levelled piece.

CROSS EXAMINATION.

Q. You have been very particular in this account; now I take it you will give the Court ſome account of yourſelf. What are you?

A. I was bred a merchant.

Q. What are you now?

A. I am now concerned in buſineſs.

Q. What kind of buſineſs?

A. *In merchandize.*

Q. Then you are a merchant of the city of London?

A. No. I am concerned in buſineſs.

Q. Buſineſs of what nature?

A. I am concerned for a gentleman now in Court, to do buſineſs for him.

Q. Who is that gentleman?

A. *Mr. Crow.*

Q. What is he, a merchant?

A. No, a man of fortune; *a very great one.*

Q. You are then concerned for him?

A. I have received conſiderable ſums of money for him, as I have for other gentlemen.

Q. That is your courſe of merchandize?

A. No, I was bred a merchant.

Q. You now ſay, that courſe of merchandize is the receipt of money for Mr. Crow, to pay it over for his uſe; is that your way of life?

A. Yes; I have done buſineſs for ſeveral other gentlemen, in that kind of line.

Q. Is not Mr. Crow a gentleman at the bar, in Ireland?

A. He was bred to the bar.

Q. You deſcribed yourſelf, on a former occaſion, of St. Michael's-Alley, Cornhill, clerk or agent to Mr. Crow, who is a Barriſter, &c.

A. I did.

Q. Does Mr. Crow's fortune lie in England?

A. No.

Q. Then it lies in Ireland, does it?

A. It does.

Q. From what funds and ſources is it that this money comes into your hands, which employs your time for Mr. Crow?

A. There are ſome debts he has *due to him in England.*

Q. You have been employed for him as his clerk, in arranging his affairs here.

A. I was particularly employed by Mr. Crow to raiſe a conſiderable ſum of money for him about this time, that was what brought me to tranſact buſineſs for Mr. Parker.

Q. Mr. Crow is connected with Mr. Parker.

A. From ſome ſecurities that the other had paſſed for him.

Q. That is your way of life then?

A. I was in buſineſs in the Weſt-Indies, and in Ireland, *where I acquired ſome property of my own.*

Q. You had been employed a good while by Mr. Parker, had you not?

A. Not directly.

Q. Were you not, during the whole courſe of this negotiation, the perſon that went between him and Mr. Stacpoole.

A. I was.

Q. Part of your buſineſs then was as a clerk or agent for Mr. Parker?

A. No, *I never received any thing from him,* I merely acted as a friend.

Q. You are very well aware, I believe, of moſt of Mr. Parker's neceſſities during all this time; and that not only Mr. John Parker, but Mr. Francis Parker were relieved by Mr. Stacpoole?

A. *I was totally ignorant* of Mr. Frank Parker's connections with Mr. Stacpoole.

Q. I repeat the ſame queſtion; were you not privy to Mr. Stacpoole's continually relieving the neceſſities of John Parker, during the courſe of this negociation?

A. I came from Ireland in April; when I firſt heard that John Parker had theſe tranſactions with Mr. Stacpoole.

Q. And did not you, in the courſe of that negociation, know that Mr. Stacpoole was the perſon applied to, to relieve all the anxieties and neceſſities of Mr. Parker?

A. I underſtood he was negociating a loan for Mr. Parker; and that the money lodged at Sir Charles Aſgill's was 15000l.

Q. But don't you know, that when Mr. Parker wanted part of this money, which he could not get out of Sir Charles Aſgill's bank, that he reſorted to Mr. Stacpoole, and that Mr. Stacpoole, in friendſhip, relieved him?

A. I underſtood, when he was in the King's-bench, that Mr. Stacpoole accepted a bill of 99l.

Q. Then you know of *nothing elſe* than that poor bill of 99l.

A. Yes, I underſtood that he had ſupplied him with five or ten guineas at a time; and that Mr. Parker had ſupplied him.

Q. Did you know nothing at all of Mr. Frank Parker's connection with Mr. Stacpoole, till this affair.

A. I knew they were acquainted; but I did not know what were their particular connections.

Q. Did you not know, that Mr. Frank Parker was a cornet in the blues?

A. He was.

Q. And he did, through your means, apply to Mr. Stacpoole, and was relieved in his neceſſities likewiſe?

A. I cannot, at preſent recollect, *I believe he might*; there was a great intimacy ſubſiſted between them.

Q. But will you take upon you to ſwear, yes, or no, to that queſtion?

A. *I will not ſwear; becauſe I believe he might.*

Q. How came you juſt now to ſay, that you knew nothing at all of any acts of friendſhip, till after this affair.

A. I know

A. I know of no particular acts of friendſhip, than that of lending him, in his neceſſities, ſome little ſums of money. I ſaw an account of Mr. Stacpoole's againſt him, and I ſaw an account of Mr. Parker's againſt him.

Q. Were you never preſent, or did you never go from Mr. Cornet Parker's to Mr Stacpoole, to deſire his aſſiſtance and friendſhip in matters of money; yes, or no?

A. I believe I did.

Q. Don't you know you did?

A. I cannot recollect now; I don't recollect any particular acts, I don't remember the particulars.

Q. But what you do remember is, that there were acts of friendſhip performed by Mr. Stacpoole, to both the Mr. Parkers in their neceſſities?

A. I believe there were.

Q. Whoſe hand writing is this? *(ſhewing the witneſs a letter?)*

(After ſome heſitation)

A. I *believe* it is mine.

(It is read.)

One o'clock Sunday, directed to John Parker, Eſq;

" Dear Squire,

" The cornet is waiting to know what you would have him do; he is fretting " moſt immoderately. Mr. Stacpoole *muſt* receive your inſtructions, relative to " *all* matters: I will endeavour to manage Seymour-ſtreet, ſo as to prevent the " ſcandal of a *public advertiſement*; and, if you approve of it, will employ an " attorney of my acquaintance, to ſtir in *theſe naſty affairs*; for, by what I can " learn, you are quite helpleſs. Write to me by Mr. Stacpoole, who I am now " waſting for, to take to the cornet; ſhould you be longer detained, I will ſend a " *truſty* friend to go about your buſineſs; for you ſee ſuch is our helpleſs ſituation, " that I muſt *take care of myſelf till the ſtorm blows over*, or we may be ſtill more " diſtreſſed: I am known to the *blood hounds*, or would attend you. I am always " moſt *gratefully* and ſincerely,

" Yours, J. Maſterſon."

Q. I beg leave to know what thoſe naſty affairs are, that you allude to in this letter?

A. Some demands on Mr. Parker.

Q. What his creditors were making demands upon him, and thoſe were the naſty affairs that you were to employ an attorny in?

A. Certainly, money was to be procured.

Court. On which Mr. Parker?

A. On both of them.

Court. What date is the letter?

Counſel. It is dated *Serjeants-Inn, Sunday.* It was when Mr. Stacpoole lived there, in 1774.

Q. What public advertiſement were you afraid of?

A. I *ſuppoſe*, the ſale of the goods of the houſe.

Q. Speak what you know, not what you ſuppoſe?

A. As I can recollect now, I am pretty *poſitive* it was.

Q. But, upon your oath, tell me what this public advertiſement was?

A. I was afraid of a ſale of the *houſhold furniture.*

Q. In Seymour-ſtreet, was that what you was afraid of?

A. Yes.

Q. Whoſe houſe was this in Seymour-ſtreet?

A. Mr. Crow's houſe.

Q. Did not Mr. Parker live there at that time?

A. I *believe* he did.

Q. You

Q. You know whether he did or no?
A. He was out of town ſometimes.
Q. What blood-hounds were thoſe you were ſo much afraid of?
A. Bailiffs.
Counſel for the Crown. The naſty work, was the ſale of Mr. Crow's goods?
A. Yes.
Q. And that was the advertiſement you was afraid of?
A. Yes.
Counſel for the Priſoners. How did that affair of Mr. Crow's goods being ſold, refer to Mr. Parker?
A. Becauſe he lived in the houſe.
Q. Don't tell what you ſuppoſe, but tell what you know. It was Mr. Crow's houſe, and Mr. Crow's goods.
A. A diſgrace to Mr. Parker.
Q. How could that be a diſgrace to Mr. Parker?
A. As he was known to live in the houſe.
Q. That is the only anſwer that I am to get of you, is it? That is all you meant by a public advertiſement?
A. That is all.
Counſel. Then I am ſatisfied.

FRANCIS PARKER, Eſq; *Sworn.*

Q. Were you in the room at Dartford, when this accident happened?
A. I was.
Q. Tell what you know of this tranſaction; what paſſed?
A. As near as I can recollect, it was paſt 11 o'clock in the night of the 17th day of Auguſt, 1775. I ſupped at the Bull in company with Mr. John Maſterſon, Mr. Thomas Ball, and my brother. I heard a noiſe at the door, and heard the word villain, and immediately a gun was fired. I was ſitting down with my back to the door, not oppoſite to it, but in a line with it.
Q. Did you ſee any body?
A. No.
Q. Was the gun, or not, diſcharged before you ſaw any body?
A. It was diſcharged before I ſaw any body.

CROSS EXAMINATION.

Q. When did you come to this inn at Dartford?
A. I have been there two or three times; but I came there that day.
Q. Your brother came there before, I believe?
A. Yes.
Q. Did you know any thing of his coming?
A. I did.
Q. Were you with your brother the evening preceding his coming to Dartford?
A. Yes; I met him in London.
Q. Where?
A. I met him with a poſt-chaiſe.
Q. You did not come from Eſſex with him, did you?
A. No, I did not.
Q. Your brother did not ſtop in London?
A. No; he ſtopped at a houſe on this ſide of London-bridge.
Q. Do you know St. George's church?
A. I don't.
Q. Nor Kent-ſtreet?
A. No.
Q. You know the obeliſk in St. George's-fields? Was it that way or over London-bridge?
A. I don't know. I met him at that public-houſe near the turnpike, where he took the chaiſe; I don't know the ſign.

Q. How

Q. How did you know how to meet your brother?

A. By a letter. I was in London; he desired me to meet him somewhere in the Borough, and I went to that place.

Q. Going in consequence of a direction, you must know where it is?

A. The Borough was the only particular place.

Q. You could not find Mr. John Parker, a stranger there, by a direction to the Borough only.

A. I was directed to meet him in the Borough. I did go there in order to meet him, and did meet him at that house. The Borough, as well as I recollect, was the words of the direction.

Q. It must mention some place?

A. He did not know any place in the Borough, nor did I.

Q. Did you know what turnpike it was?

A. I don't know the name of the turnpike; I know it is in the Kentish road.

Q. You met your brother; you did not go with him to Dartford?

A. I did.

Q. Who was with you?

A He and I went to Dartford together.

Q. Was nobody with you?

A. No.

Q. When did you quit Dartford again; you quitted him I understand and came back to London?

A. Yes.

Q. Do you know whether you staid all night before the accident?

A. I did stay all night and came back the next day.

Q. You was there when this firing happened?

A. I was.

Q. You heard a firing; but did not see any thing?

A. I did not.

Q. Did you hear any thing said upon the coming into the room?

A. I heard the word villain.

Q. Did you hear any thing of an arrest?

A. I did not, I had no such idea.

Q. What became of you after this gun was fired?

A. I retreated in confusion, as soon as the gun was fired; when I got to the bottom of the stairs, I saw Mr. Stacpoole with a gun in his hand, Gapper with a pistol and a man in red with a pistol; they all appeared to me to be of the same party; as I had no arms, I did not chuse to encounter them.

Q. Did you hear Mr. Stacpoole say any thing below stairs?

A. I did hear him say, villain and scoundrel.

Q. Did you hear him say any thing of swindlers?

A. I did.

Q. What became of you afterwards?

A. I went to the other public house, in order to go to a justice of the peace.

Q. What public house?

A. The house Mr. Stacpoole had put up at, I don't know the sign; I went from that to Mr. Hulse, who is a justice of peace; and gave notice to his servants, that there had been *an accident* of this kind; a gun fired in the house where I was, and my brother was wounded by it; the servants would not disturb him, I then thought it would be proper to send some help to my brother; I went to London, and sent to Mr. Tomkins, a surgeon, to come down to my brother.

Q. How did you know what had happened?

A. I knew that there was a piece fired; and heard my brother fall down to the ground.

Q. You remained in London?

A. I did; Mr. Rudd offered to be answerable to Mr. Stacpoole for my appearance.

Q. Did you never go down to see your brother?

A. No, I did not choose to be present at such a melancholy scene; I have feelings.

Q. But it is a duty that one owes relations?

A. Some do, though I don't like to see a sick friend.

Q. How long did you ſtay in London?

A. A fortnight, or three weeks.

Q. Did you ſee your brother?

A. No.

Q. And you had no idea of any danger of being arreſted, by going to your brother?

A. When I came to London, I imagined there was a writ againſt me in the hands of Mr. Stacpoole, or ſome bailiff; but it was not that that kept me from going to Dartford, as Mr. Rudd had offered Mr. Stackpoole bail for my appearance.

Q. You imagined that there was a writ, when you came to London?

A. I did.

Q. Did not that occur to you when you ſaw Mr. Stacpoole in the inn, at Dartford?

A. It occurred to me, that he might have ſuch a writ.

Q. And you did not ſtay to ſee the effect of that writ?

A. No.

Q. Not knowing, I ſuppoſe, at that time, that Mr. Rudd would give bail for you?

A. No.

Q. I am aware, that when ones relations are ill, it is a diſagreeable thing; but you did not know the condition your brother was in; he might be more or leſs wounded, if wounded at all; now upon your word, did not you go away for fear of this arreſt?

A. No, the firſt impulſe was, for fear of being ſhot at; I never conſidered of a writ againſt me at that time.

Q. But you went to the Juſtice?

A. The Juſtice did not go 'till ſome hours after.

Q. Had you a horſe, or a chaiſe, or was you on foot?

A. I walked all the way to London.

Q. That was by way of expedition, to fetch a ſurgeon?

A. I had given my brother ſome money that morning; I had no money in my pocket, to get a chaiſe.

Q. Had not Ball or Maſterſon money?

A. They remained there.

Q. Do you ſuppoſe all the people at Dartford ſo inhuman?

A. I did.

Q. Hear the queſtion; you ſuppoſed all the people, at all the public houſes in Dartford, ſo inhuman, that upon your application to them, and deſiring them to ſend ſomebody with a letter or horſe to London, on horſeback, they would not have ſent it?

A. I imagined, that Mr. Stacpoole had prejudiced the mind of the landlord and other people againſt us, as he ſaid we were villains and ſcoundrels. I did try one houſe, and I took it that all the others would have been of the ſame opinion.

Q. What houſe?

A. The houſe, I believe, Mr. Stacpoole came from.

Q. I am ſure yours, or your brother's appearance was ſuch, that you might have got a chaiſe.

A. I experienced the contrary.

Q. You could not get a man with a horſe?

A. I tried; but the perſon, I believe, took it for granted that I was the man Mr. Stacpoole repreſented me to be.

Q. Suppoſe you had applied upon the road? You ſay, you had no money in your pocket; nobody, I am ſure, would have ſuſpected that had ſeen you: If you had gone to a public houſe, and aſked for a horſe or chaiſe upon the road, do you conceive any of them would have ſaid, Why, ſir, we cannot truſt you without depoſiting the money, or that they would have made any objection?

A. I was almoſt convinced they would, in Dartford.

Q. But upon the road?

A. I called at Shooter's-hill, but the man of the houſe was not at home, or I ſhould have got a chaiſe there?

Q. There

Q. There have been concerns between you and Mr. Stacpoole?
A. There have; I am very willing to explain every thing.
Q. And with other people?
A. Yes.
Q. You will have no objection, I am ſure, to being aſked, whether you have not been under ſuſpicion, upon ſome occaſion, of eſcaping from your bail, or when in confinement?
A. I don't apprehend you.
Q. Do you know whether you ever had an indictment preferred againſt you for an eſcape?
A. I never had.
Court. To aſk the witneſſes for the Crown, whether they have been indicted for an eſcape!
Counſel for the Priſoner. I mean it as a reaſon of our going with precaution. There was a writ againſt him; therefore his being in the company, was the reaſon of our going with that precaution.
Q. Then you don't know of any indictment againſt you?
A. No.
Q. Or of any accuſation againſt you?
A. No.
Court. There have been concerns between you and Mr. Stacpoole?
A. There have.
Q. Was you indebted to him, at that time?
A. Mr. Stacpoole accepted a bill for 54 *l.* which became due in the month of June. After he had taken up that bill, I was ſo much in his debt; and, I believe, ſome trifling matters beſides; 6 or 8 *l.* I believe.

JOHN HARRIS *Sworn.*

Q. You are a cabinet-maker, and live at Dartford?
A. Yes.
Q. Do you remember the night this gun was fired?
A. Yes, it was the 17th of Auguſt. I was going to bed; I heard the report of a piece going off, and after that the cry of watch and murder; that was between eleven and twelve. I came down, and went over to the Bull; I ſaw Mr. Pope there. Mr. Pope ſaid, here has murder been committed.
Q. Did you ſee any body elſe there?
A. Mr. Maſterſon. I went up ſtairs into the room with a waiter and a poſt-boy, which I knew.
Q. Were you three the firſt people that went into that room?
A. Yes, that I know of.
Q. When you came into the room, what did you ſee there?
A. I ſaw the candleſticks ſtand on the table, the candles were out. I went up to the end of the room; I ſaw Mr. Parker lying upon the ground.
Q. Did any body carry up a candle with you?
A. Yes, we took a candle up into the room with us.
Q. Do you recollect what was upon the table?
A. I ſaw ſome bottles and glaſſes, and a candleſtick.
Q. Did any body elſe come in?
A. Immediately after I entered the room, ſeveral people followed. I ſaw Mr. Stacpoole come in; there was a quarrel and a ſcuffle between Mr. Ball and him, as ſoon as ever they came in. Mr. Ball ſaid to Mr. Stacpoole, that he was a villain and a murderer. Mr Stacpoole ſaid, I did it; I can juſtify it, and all ſuch villains ought to be ſerved ſo.
Q. Had any of the priſoners any arms in their hands?
A. I ſaw the piſtols lying on the table. I ſaw a piſtol Lagier had examined; it was loaded. I ſaw Mr. Gapper afterwards draw one of the charges.
Q. You examined the piſtols, that lay in the corner of the room?
A. I ſaw them ſtanding, with their muzzles down; they were taken up afterwards.
Q. Were they charged?
A. No.

CROSS

CROSS EXAMINATION.

Q. There was one candle and one candleſtick upon the table, when you came in?
A. Yes.
Q. Where was the other?
A. I did not ſee that.
Q. That candle was out?
A. Yes.
Q. How came it out?
A. I cannot account for that.
Q. You never have given any account how the candle came out, have you?
A. Never.
Q. You attended the Juſtice next morning, I take for granted, as a good man ought to do, upon ſuch an occaſion?
A. No.
Q. Was you never before a Juſtice?
A. Sometime afterwards.
Q. How long was it?
A. Three or four days or a week, or two or three days after; it might be the Saturday following, I am not ſure to the day.
Q. Was you examined then?
A. I was.
Q. So you was taken before a Magiſtrate, and made your depoſition, two or three days after this accident?
A. I did.
Q. The accident happened on the 17th of Auguſt?
A. It was on a Thurſday night.
Q. You ſigned your depoſition, I ſuppoſe?
A. I did.
Q. Is that your hand writing? *(Shewing the witneſs a paper)*
A. Yes.
Q. You are ſure of that?
A. Yes.
Q. And you are ſure it was two or three days after? Now how comes this dated the 9th of September? that is, you know, twenty-three days?
A. I don't know the time. It was after Mr. Parker got better.
Q. Then it was twenty-three days, inſtead of three?
A. No.
Q. Then you forſwore yourſelf juſt now?
A. No.
Q. You would have the Jury believe, that you was ſworn before a Magiſtrate the Saturday following?
A. No.
Q. Then why did you tell them ſo?
A. I did not mean ſo.
Counſel. It is very odd you ſhould have remembered things at that diſtance of time, which nobody elſe did? You was going to bed, I think you ſay, at the time this happened?
A. I was.
Q. You immediately got up, upon hearing a gun go off?
A. I was not in bed.
Q. When you came up ſtairs the candle was out, and you never gave any account how it came out; you could not, you know; you did not ſee it put out?
A. No.

Counſel reads part of the Information, as follows:

" Which candle, this informant imagines, had been blown out by the diſcharge " of the piece?"
A. I ſuppoſed ſo.

Counſel

Counſel for the Priſoner. You ſaid you never had aſſigned a reaſon how it came out?

Counſel for the Crown. You know Mr. Atkinſon?

A. Yes.

Q. When did he come in?

A. In about the ſpace of ten minutes after I had been there; I ſaw a gentleman in the room, he was the only ſtranger that I knew in the room.

Counſel for the Priſoner. Perhaps you did not ſee him come in; then you can't tell the preciſe time he came in?

A. No.

Court. I ſee that depoſition is firſt of all put the 9th of Auguſt, and it is ſcratched out by ſomebody.

JOHN KING *Sworn.*

Q. Where do you live?

A. At the Bull at Rocheſter; I lived by accident with Mr. Auſtin, at the Bull at Dartford, when *the accident* happened; at about eleven o'clock the 17th of Auguſt, Mr. Pope, Mr. Gapper, Mr. Stacpoole and Lagier, all came into the Bull-yard; Mr. Pope beckoned me out of the kitchen, I followed him in the dark; I returned back for a candle, and in coming out of the kitchen door the candle went out, I never returned for another; Mr. Stacpoole catched hold of my hand, and ſaid, there were rogues and robbers, and deſired to ſee the room; I would not admit them unleſs they choſe to ſend their names up into the room, where theſe gentlemen were; they ſaid they muſt ſee the room.

Q. Who ſaid ſo?

A. I cannot tell which of the gentlemen it was, either Mr. Stacpoole, or Mr. Gapper; I deſired them to walk into the front room, that the gentlemen were then going to bed, they might ſee them walk along the gallery, and do as they thought proper afterwards; they would not agree to that; at laſt they perſuaded me to let James Lagier walk paſt, while I went into the room with an excuſe to go to the ſide-board, that he might ſee whether theſe were the gentlemen that Mr. Stacpoole wanted or not; that was agreed to; I went up ſtairs with James Lagier, I left the door upon the jar; I went to the ſide-board and took two decanters off and returned back immediately; I was coming out when James Lagier ruſhed upon me; he ruſhed in immediately, upon my return out immediately; Mr. Stacpoole, and Mr. Gapper followed him as cloſe as poſſible; upon their entering the room, I fell acroſs a chair upon the carpet; before I could get up, the carbine went off.

Court. Where did the chair ſtand?

A. On the right, juſt by the door.

Q. Had any body in the room offered any reſiſtance to thoſe that entered?

A. No.

Q. Did you hear any words?

A. No farther than rogues, villains, have I found you; which was repeated by Mr. Stacpoole, or Mr. Gapper.

Q. What did you hear after the carbine went off?

A. The room was all in darkneſs when I got off from the carpet; I never was in the room after that.

CROSS EXAMINATION.

Q. I ſuppoſe as ſoon as you fell from the chair upon the floor, you was in a good deal of confuſion, was not you?

A. I was.

Q. You did not remark any thing particularly with your own eye, after being thrown over the chair and from thence to the floor?

A. I did not.

Q. You cannot give an account of any thing after that?

A. I ſaw nothing after that.

Q. Perhaps, upon ſome occaſion or other, I don't know whether you have, if you have you will ſay ſo, you may have ſaid ſomething about the manner in which this gun was, when you firſt came into the room?

A. Never to my knowledge.

Q. How long was it before you recovered yourſelf after being in the room?

A. I really did not recover myſelf the whole night.

Q. You really did not recover yourſelf enough the reſt of the night to recollect what paſſed?

A. I did not.

Counſel for Mr. Gapper. You ſaid you heard the words rogue and villain; but you will not take upon you to ſay they were ſaid by Mr. Gapper?

A. By Mr. Gapper, or Mr. Stacpoole, I cannot ſay which.

WILLIAM WALE *Sworn.*

Q. You are ſervant to Robert Auſtin, an inn-keeper, at Dartford?

A. I was then.

Q. What was the firſt thing you heard?

A. A boy came from Mr. Pope's, and aſked whether ſuch gentlemen had come in that houſe that afternoon in a chaiſe; I anſwered him that if he would go back and enquire the names of the gentlemen that he wanted, I would enquire whether ſuch gentlemen were there or not.

Q. How ſoon, after your fellow-ſervant went out to them, did you hear the firing of the piece?

A. About two minutes. I went up ſtairs, from the report of the piece. I was ſitting then with a poſt-boy, in the kitchen. Upon the report of the piece I took the candle, and made my way to the ſtairs. The firſt perſon I met was my fellow-ſervant, the waiter; I found him frightened and confuſed. The next perſon I met was a foreigner, Lagier. I aſked him, what was the meaning of that noiſe of the report I had heard? He inſtantly anſwered, that there were ſwindlers and rogues up ſtairs. From that, I made to the ſtairs; when I had got juſt to the ſtairs, the firſt perſon I met was Mr. Stacpoole. I aſked him, what was the matter? He replied, that there were rogues and villains up ſtairs. The next gentleman was a Mr. Maſterſon, that ſtood upon the ſtairs above him; he ſaid, you have murdered Mr. Parker. From that I paſſed them, and went up ſtairs, and paſſed Mr. Gapper, the third perſon upon the ſtairs, and went into the room, and a poſt-boy with me. When I came into the room, the room was full of ſmoke. I looked to ſee where Mr. Parker lay, as the room was in darkneſs. At the firſt look, I could not ſee Mr. Parker. I brought a light in my hand, out of the kitchen. When I advanced further into the room, I ſaw Mr. Parker lying on the floor. I ſaid, I hoped he was not ſhot, or words to that purport; he made a reply, he was, and he was a dying man. At this interim Mr. Stacpoole came into the room; ſaid Mr. Parker, as nigh as I remember, I hope you are ſatisfied, or won't this give you ſatisfaction? Upon that Mr. Stacpoole inſtantly replied, you rogue, you villain; you that I have bailed out of the King's-Bench; you deſerve it, if you had twenty lives, as nigh as I can remember. I lit one of the candles that ſtood upon the table, and upon that came out of the room.

Q. Do you recollect who was in the room, when theſe expreſſions were made uſe of?

A. At that time there was nobody in the room but the poſt-boy, myſelf, Mr. Parker, and Mr. Stacpoole; he did himſelf make uſe of thoſe words ſeveral times, for a quarter of an hour, you rogue, you villain, &c. if you had twenty lives, you deſerve it; he repeated that, I am ſure, for ten minutes, I am ſure, or a quarter of an hour; he repeated that, when a number of people were in the room.

CROSS EXAMINATION.

Q. Were you there, when the ſurgeons were called in?

A. They were alarmed, when I came inſtantly; when I came to the bottom of the ſtairs, they were crying out, murder! fire! thieves! I cannot tell who; one cried out fire, another murder, another thieves.

Q. What followed after what you have aſſerted, when any ſurgeons were ordered to be called in, as ſoon as it was actually known that Mr. Parker was hurt?

A. When I went out of the room, I informed my maſter of what I had ſeen in the room, and of what I had heard Mr. Stacpoole ſay. It was half an hour before a doctor came.

Q. Was you there at the time when the ſurgeon attended Mr. Parker, as ſoon as it was known that he was abſolutely wounded?

A. The room was filled with people in the ſpace of ten minutes I ſuppoſe, or leſs. From the account that Mr. Stacpoole gave of the characters of theſe people, there was nobody ſeemed to pay any attention to them.

Q. Did Mr. Stacpoole when the ſurgeons were there, and it was abſolutely known that this accident had really ſhot Mr. Parker, what was ſaid upon it; whether Mr. Stacpoole did not afterwards ſhew a great deal of ſolicitude for him. Was you there at that time?

A. I was there when Mr. Latham the doctor came.

Q. Do you know who ſent for him?

A. Two or three people in the room ſaid, it was a pity to let a gentleman lie in that manner. I never heard that Mr. Stacpoole mentioned any thing about a doctor.

Q. Was you there when Mr. Stacpoole was convinced this accident had hurt Mr. Parker? Did you obſerve his ſolicitude for Mr. Parker?

A. I was not there.

Q. As you have ſaid there were in the room yourſelf, the Poſt-boy, Mr. Stacpoole and Mr. Parker; was any body elſe in the room?

A. Not as I obſerved; people came in very faſt.

Q. Was Harris in the room?

A. I only remember thoſe people when I took in the candle.

Q. Did not you hear Mr. Parker ſwear this moment, that Mr. Harris came in firſt?

A. No.

Q. Did not you hear Mr. Harris confirm him in it?

A. No.

Q. You will ſwear then that he was not there?

A. No; I inform my Lord and the Jury of what I ſaw of the matter; I am clear no one could ſee Mr. Parker lying in the room, before myſelf and the Poſt-boy.

Q. Was not all confuſion on the ſtair-caſe, and every where elſe.

A. There was after the piece went off, to be ſure.

* Mr. Stacpoole having requeſted that we ſhould add to this trial the depoſition of the above William Wale, (which was taken before the Juſtice the 18th of Auguſt, 1775, being the day following the accident) as one, out of many inſtances, to ſhew, how the witneſſes againſt him have improved their evidence, on the trial, from what it was *the very next day after the affair happened.*——The Reader is referred to the laſt page, where this depoſition is ſet forth.

WILLIAM RAWLINS *Sworn.*

Q. What are you?

A. I live now at a Beef-ſteak houſe in Cornhill.

Q. Were you at the Bull at Dartford, at the time this accident happened there.

A. Yes; I was the poſt-boy there. I was in the kitchen when Mr. Pope came to the door.

Q. You

Q. You was not preſent when any gun went off?
A. No
Q. Where was you?
A. I was in the kitchen. Mr. Pope came to the door and beckoned Mr. King out; Mr. King went out with him, and went up ſtairs; they had been gone above a minute or a minute and an half, before we heard the piece go off; my fellow ſervant and I ran out; we went up ſtairs; we met Mr. Gapper, Mr. Stacpoole and Mr. Lagier at the bottom of the ſtairs; I aſked them, what was the matter? whether there were highwaymen in the houſe? they ſaid, no, they were ſwindlers and rogues. While I was mentioning theſe words, Mr. Maſterſon ſtood about half way down ſtairs; he ſaid to them, gentlemen pray don't murder me; you have ſhot my friend Mr. Parker, he lies in the room a dying. After that, my fellow-ſervant and I both ran up ſtairs together, I cannot ſay rightly which was in the room firſt; we found Mr. Parker lying in the right-hand corner of the room; I ſaid, I hope you are not ſhot? He ſaid, Yes, I am in the body; I am a dead man; he has murdered me. Mr. Stacpoole was cloſe behind me, and ſaid, you villain, it is no more than what you deſerve; if you had got twenty lives, you ought to loſe them all. This is all I heard; we ran down ſtairs, and ſent for a doctor as faſt as as we could.

CROSS EXAMINATION.

Q. If I underſtand you right, when you heard the piece diſcharged, your fellow ſervant and you ran up ſtairs?
A. We ran to the bottom of the ſtairs.
Q. Who did you meet there?
A. Mr. Stacpoole.
Q. Did you keep forward up ſtairs?
A. I met him quite at the foot of the ſtairs, the waiter and I kept forward.
Q. What do you mean by telling us, that the moment you got into the room, Mr. Stacpoole was behind you? He was going down ſtairs, when you met him.
A. He was at the foot of the ſtairs; he followed us up ſtairs.
Q. He was going downwards?
A. Yes, with the piece in his hand.
Q. He ſaid, they were ſwindlers and rogues—You kept forwards as faſt as you could, I take for granted?
A. Yes.
Q. When you got to the top, you ſaw Mr. Stacpoole entering the room with you?
A. No, I ſaw Mr. Parker lying in the room.
Q. And almoſt immediately Mr. Stacpoole came into the room?
A. I ſaid to Mr. Parker, I hope you are not ſhot at.
Q. Before any body elſe came into the room, Mr. Stacpoole came in?
A. Yes.
Q. How could Mr. Stacpoole go with Mr. Pope to the conſtable's houſe, provided he entered there directly?
A. Mr. Stacpoole was in the firſt of all, after me and the waiter.
Q. And this you ſay, notwithſtanding Mr. Pope ſwears he went to the conſtable's houſe?
A. I don't know what Mr. Pope ſaid, I know what I ſaw myſelf.
Q. You did not ſee any thing of Mr. Pope?
A. I ſaw him call the waiter out.
Q. You did not ſee him afterwards?
A. I did.
Q. You come here to ſwear Mr. Stacpoole ſaid theſe words, contrary to what Mr. Pope ſaid of his going to the conſtable's houſe.
A. That is what I know.

JOHN

JOHN BEDWELL *Sworn.*

Q. What are you?
A. A linen-draper, at Dartford.
Q. What do you know concerning this tranſaction?
A. Between eleven and twelve at night I was informed, by my ſervant, that ſhe heard that a murder was committed at the Bull. I went immediately to the Bull; when I came into the room, the people in the room ſeemed to be all in confuſion. Mr. Stacpoole was the firſt perſon that ſtruck my attention; he was walking up and down the room, and he had hold of his fingers. His finger, I believe, was cut. He was exclaiming very much againſt Mr. Parker; he ſaid, that Mr. Parker was a villain, and had flewn from his bail; that he had relieved him out of the King's-Bench, and he called him very opprobrious names.
Q. Did you ſee Mr. Atkinſon afterwards?
A. I did ſee a little gentleman, whoſe name, they ſaid, was Atkinſon.
Q. Do you remember whether he came in before, or after you?
A. I cannot ſay.

CROSS EXAMINATION.

Q. You obſerved Mr. Stacpoole's finger cut?
A. I obſerved one of his fingers.
Q. His fore-finger?
A. I cannot ſay.
Q. Did he ſay how it was cut?
A. I heard ſomebody ſay, that Mr. Stacpoole ſaid it was cut by the flint?

JOHN LATHAM *Sworn.*

Q. You are a ſurgeon, at Dartford?
A. Yes.
Q. You was ſent for to the Bull, to Mr. Parker?
A. I was.
Q. What was the firſt thing that you ſaw or heard, when you came into the room?
A. There was a great number. The room was half full of people, and a great deal of confuſion, ſometimes moving on one ſide, ſometimes on the other. I then aſked, where my patient was that I was to ſee? ſomebody, I don't know who, ſaid, he was in the corner of the room; but the quantity of people was ſo great, I could not ſee him immediately. I addreſſed myſelf to I cannot ſay who particularly, but with great difficulty I got through the crowd, as I have done juſt now, and at laſt found him lying on the floor. He ſaid, are you a ſurgeon? I ſaid, I am. He ſaid, I am a dead man, I have been foully murdered.
Mr. Peckham. That is not evidence.
Q. Was Mr. Stacpoole there at the time?
A. I did not know him at the time. I heard one voice ſay, you have murdered the man; another voice I heard ſay, juſtice of peace, or juſtify, I cannot tell which.
Q. You examined Mr. Parker, be ſo kind as to deſcribe the nature of the wound he received?
A. There were five wounds; three before, or three on the one ſide and two behind near the back bone.
Q. The balls had gone through the body?
A. Quite through. Two of thoſe before were very near each other, perhaps half an inch; the other was at a greater diſtance, perhaps two or three inches; one of thoſe behind was very near the ſpine, the back-bone; the other was as much diſtant from that, as the ſingle one was from the other two.

Q. Were they higher or lower than the other?
A. The hinder wounds were loweſt.
Q. Did the balls aſcend or deſcend, in going through the body?
A. Undoubtedly deſcend.
Q. Did you examine the wainſcot afterwards?
A. Yes; where the balls went, that was ſtill lower than the wounds.
Q. In what ſituation muſt the piece be, which could make theſe wounds in the body and holes in the wainſcot?
A. Pointing downwards, undoubtedly.

CROSS EXAMINATION.

Q. Did you meaſure the height of the holes in the wainſcot?
A. Yes; the height of one of them is three feet, two inches and an half; the height of another, is three feet, three inches; the height of the third, three feet, four inches and an half.
Q. What poſition do you imagine Mr. Parker muſt be in?
A. Nearly ſideways, not perfectly ſo.
Q. But he muſt be ſtanding?
A. No doubt of it.
Q. Did you take notice of Mr. Stacpoole's finger?
A. I did?
Q. It was cut?
A. It was, I think, on both ſides ſcratched.
Q. Is it poſſible to ſay the wound was by accident?
A. It was a torn wound.
Q. Do you conceive it was ſuch a wound as might occur, if a man by accident diſcharging a piece, had his finger between the flint and the ſteel?
A. As well ſo as any other way.
Q. It might be ſo?
A. As well ſo as otherwiſe.
Q. You have reaſon to conclude it might be ſo?
A. I can ſay nothing of that.
Q. Did you obſerve Mr. Gapper appeared to have a contuſion on the eye?
A. He had.
Court. Gapper had a black eye?
A. I believe rather at the ſide of the eye, near the temple; I think it was rather diſcoloured next day, though it was very triflingly ſo.

Mr. TOMKINS *Sworn.*

I am a ſurgeon. I was ſent for to Dartford.
Q. Was you in the company when any carbine was examined?
A. Yes.
Q. Would it, or not, have gone off at the half cock?
A. No; the lock was exceeding good.
Court. From the evidence that has been given in relation to Mr. Gapper and Mr. Lagier, I cannot ſay I ſee any violence in their behaviour. They had a piſtol in each hand; they were the arms they had at their inn; theſe piſtols were charged; but there is nothing either ſaid or done by theſe people that I ſhould think would bring them within this predicament: the moſt that is ſaid, is of Mr. Gapper ſaying ſomething below ſtairs.——It is now, Mr. Stacpoole, your time to make your defence to this charge againſt you.

Mr.

Mr. STACPOOLE's DEFENCE.

My Lord and Gentlemen of the Jury,

THE evidence againſt me is cloſed, and I am now under the painful neceſſity of addreſſing you in vindication of my honour, and defence of my life.

Humiliating as is my ſituation, in ſtanding here as a criminal, againſt whom not even the malice of my enemies hath ever before alledged a crime; yet I feel myſelf ſupported by the reflection of appearing before men, who can and will diſtinguiſh *accident* from *deſign*, a wiſh to recover property from an intention to take away life; and before a Judge who will inform you, that there can be *no guilt*, where there is *no criminal intention.*

As *life* would be to me a burthen if my *character* was not free from all cauſe of imputation, I muſt beg your particular attention, while I ſtate my melancholy caſe, which will the better enable you to determine upon my guilt or innocence.

I may date my knowledge of Mr. Parker from an early period of life; but there was no intimacy between us till September 1773, when he ſolicited my aſſiſtance to extricate him from a number of complicated diſtreſſes, in which the imprudence of his conduct had involved him. He then requeſted that I would procure for him, on mortgage, the ſum of 10000*l.* aſſuring me that his eſtates in Ireland (of which country he is a native) were ample ſecurity for that ſum; and that the punctual payment of the intereſt ſhould be guaranteed by a conſiderable banking-houſe in Dublin, or if more agreeable to the lender, by their correſpondents in London.

In this commencement of our intimacy, Mr. Parker abuſed my too eaſy confidence; I little imagined that deceit or hypocriſy could dwell under the maſk of his honeſt countenance, and affected gentleneſs of manners. I therefore readily believed him; and it is no wonder that I, who began to look on him as a friend, ſhould be impoſed on by a man, who is formed by nature for making a favourable impreſſion on every perſon, unacquainted with his principles and his talents for diſſimulation.

In compliance, therefore, with his preſſing ſolicitations, I embarked, not only chearfully but zealouſly in his buſineſs, and with ſome pains found a gentleman (Colonel Keene) ready to advance the money on the propoſed ſecurity, which I immediately began to prepare for the purpoſe; and leſt you ſhould be ſurpriſed at my preparing and ſettling his title, it may not be improper, Gentlemen, to acquaint you that I was bred to the law, and have the honour to be a Barriſter of the Temple.

In the courſe of this buſineſs, little doubting of its taking immediate effect, and implicitly relying on the accounts given me by Mr. Parker, I was indiſcreet enough to ſuffer his entreaties to prevail on me to enter into engagements for him; by which, as it eventually turned out, *I have ſacrificed my own peace* to the relief of his *neceſſities*. Mr. Parker cannot, at leaſt ought not, deny that I advanced him money *out of my own pocket*, till I was *myſelf diſtreſſed*; and when I had it no longer to *advance*, *I pledged my credit in ſupport of his*; I *accepted* bills for his ſervice; I ſtamp credit on others, by indorſing them; and thus entangled myſelf to the amount of near 3000*l.* for the relief of a man, who already, I truſt, hath appeared, or will ſoon appear to you, unworthy of my ſervices and friendſhip.

Thus involved for him, I waited for the moment when the mortgage with Colonel Keene ſhould be ſettled, that I might be extricated from thoſe engagements. But, Gentlemen, I found myſelf deceived; *the bankers in Dublin had never authorized Mr. Parker to uſe their name in the tranſaction.* On diſcovering which the treaty broke off; and I was left, after two months negociation with Colonel Keene and his lawyer, ſurrounded with difficulties, abuſed in my friendſhip, and duped by the artifices of Mr. Parker and his confederates.

Happy had it been for me if I could then have diſentangled myſelf from every connection with him for ever, but that, as I was then circumſtanced, was become impoſſible; for Mr. Parker (having thus artfully contrived to make his embarraſſments mine) knew that I muſt endeavour to raiſe the money, without the uſual guarantee that is always required with Iriſh ſecurities negociated in London. Accordingly, after much ſolicitation, I prevailed on Mr. Taylor to agree to lend the ſum wanted, without ſuch guarantee; but on ſearching the records and regiſter in Ireland, and making further enquiry concerning Mr. Parker's affairs, it was diſcovered, that he had *previouſly accumulated freſh incumbrances on his eſtates, and ſuffered ſeveral years arrear of intereſt to accrue on the old debts*, ſo that it was found that 10000*l.* would not be ſufficient to diſcharge them. Thus I was obliged to make farther applications to Mr. Taylor, to extend the loan to 12,000*l.* then 15,000*l.* before the mortgage could be completed; ſince when it has been extended to 20,000*l.* which is almoſt the whole of its value.

Several ſuits having been inſtituted againſt Mr. Parker, both here and in Ireland for the recovery of debts, and the whole of his affairs being in confuſion, it was requiſite that they ſhould be cloſely inſpected, adjuſted and arranged, before Mr. Taylor could with ſafety advance the money; ſo that theſe ſeveral negociations took up near two years before the mortgage could be compleated. In the courſe of which I employed days and nights in making out his title, ſettling his accounts, and adjuſting his law ſuits, and other complicated concerns; and my houſe became a conſtant rendezvous to himſelf, and ſuch of his creditors as lived in London. At length, however, after all theſe pains, after releaſing Mr. Parker's brother and himſelf from *priſon*, by diſcharging their debts with *my own fortune*, after exertions to me the moſt diſtreſſing, to them the moſt friendly, the mortgage was compleated and the money advanced by Mr. Taylor.

Gentlemen, as I wiſh not to detain your attention, or to take up the time of the Court, with an unneceſſary detail of the ſervices I rendered to both the Mr. Parkers, or the ungrateful returns they have made me, I ſhall only obſerve on that part of the ſubject that I ſpeak in the hearing of many who know the truth of what I have related, and who are ready to depoſe it in evidence before you, if his Lordſhip chuſes that ſuch evidence ſhould be gone into.

Mr. Parker promiſed to give me 400*l.* for the fees of my profeſſion, and for my unremitted care and attention to his ſeveral affairs, during the two years the negociations I have mentioned were carrying on; not a ſhilling of which hath he to this moment paid me. Yet, Gentlemen, that allowance did not compoſe

poſe any part of the demand for which I iſſued my writs againſt himſelf and his brother, upon which they were arreſted at Dartford, the night on which the unfortunate accident happened, which hath formed the ſubject of your preſent inquiry. Thoſe writs were iſſued *only* for the money I paid for releaſing the two Meſſrs. Parkers from confinement, which I am ready and deſirous of proving; and I will alſo produce the reſpective bills and receipts for the money which I paid for that purpoſe, if his Lordſhip in his wiſdom ſhould think it fit that I ſhould go into that evidence.

Let me now, Gentlemen, appeal to you, as to men of buſineſs, as to men of the world, as to men of feeling and of gratitude, what ought the conduct of both the Meſſrs. Parkers to me to have been? As to Mr. John Parker I will aſk, whether two years of my labour and attention, which would have procured the utmoſt tranquility for him (if he had thought tranquillity worth keeping) ought to be paſſed by unnoticed and unrewarded? But if that were tolerable, what did common juſtice require from both the brothers? At leaſt a return of the money which I had actually expended in releaſing them from confinement: but, to my coſt, I ſoon found, that I had nothing to hope for, either from their gratitude or their juſtice. I called at their lodgings, which I found they had changed, and with it their very names, in order to avoid me, and eſcape from the purſuit of other creditors. I wrote many letters addreſſed to them, at their occaſional haunts, ſetting forth, in the ſtrongeſt terms, how exceedingly I was diſtreſſed on their account. My letters were taken up, but treated with contemptuous ſilence. At length, after having ſpent near three months in fruitleſs enquiries for thoſe gentlemen, after having been foiled in every endeavour for an interview, I was informed on the 16th Auguſt, 1775, the day preceding that of the accident at Dartford, by James Lagier, who ſtands next me, a faithful ſervant, who hath lived near twelve years in my family, and who was well acquainted with the perſons of both the Mr. Parkers, that he had that day accidentally received ſome intelligence about them, and that they were to ſet out *for France that night*, from the Adelphi Hotel in the Strand, which, it ſeems, was one of their lurking places. On further enquiry I found the report to be true.

Thus what remained of the money, which I had obtained for Mr. John Parker for the honourable purpoſe of paying his debts, he intended to laviſh in the giddy diverſions of a tour on the Continent; and my life is now with unparalleled wickedneſs, and the moſt unrelenting cruelty ſought after, for being (though accidentally) the unfortunate inſtrument of ſtopping his flight, and thereby reducing him to the diſagreeable neceſſity of *paying his debts*, which he was obliged to do immediately after that accident happened, to the amount of near 6000l.

Thus, Gentlemen, this unfortunate affair, which (through the fouleſt ſtratagems that ever were practiced, to proſecute an innocent man) hath been made ſo injurious and bitter in all its circumſtances to my fortune and to my peace of mind *for theſe nineteen months paſt*, was attended with very different effects to the reſt of Mr. John Parker's creditors. Which act of juſtice done to them is a crime of ſo black a nature, (according to Mr. Parker's mode of thinking) in me, the unfortunate occaſion of it, that nothing leſs than my blood can make him reſtitution.

But, Gentlemen, my wiſh being only to relate a true and ſhort narrative of the conduct of Mr. Parker and his brother, I will not comment further upon it. I wiſh to leave all comments to your judgment and penetration, which I am ſatisfied will lead you to view the whole in its proper light. I ſhall, therefore, return to the time of iſſuing my writs againſt them.

On receiving Lagier's intelligence, I directed my Attorney (Mr. Gapper) immediately to iſſue writs againſt both the Parkers; but only for the money that I had actually diſburſed for their uſe. Writs were accordingly iſſued into Middleſex, and the Sheriff's officers waited about the door of the Adelphi Hotel, (where I heard they were to call for their baggage) from eleven o'clock on the night of the 16th of

Auguſt

Auguſt till three o'clock the next morning; but neither of the Mr. Parkers came. I therefore determined that Lagier ſhould ſtay at the Hotel till they came, and then give intelligence of it to the Sheriff's officers. About ten o'clock in the morning of the 17th of Auguſt, Lagier ſaw Thomas Ball, one of the proſecutor's witneſſes, come in a poſt-chaiſe to the Hotel, and carry off what baggage the Parkers had left there. Mr. Ball then drove to Lancaſter Court in the Strand, where they had other occaſional lodgings, and took up ſome more of their baggage that was there, and then took the road to Kent. Lagier got into a coach, and followed Ball's chaiſe as far as Blackheath, and being then certain of their rout, he returned to town, and about three o'clock that day arrived at my houſe, and related what had paſſed, which confirmed my ſuſpicions of the Mr. Parkers intention of going to France; upon which I again went to my attorney, and directed him to iſſue writs into Kent againſt them, and to put as many of the Kentiſh officers as he could into the warrants, which Mr. Gapper promiſed to do, and that he ſhould have them ready by eight o'clock that evening, at which hour I appointed to call on him. I accordingly did, and he then informed me, that inſtead of the Kentiſh officers he thought it better that Lagier ſhould be appointed Special Bailiff, aſſigning as his reaſon, that it was not certain whether any Kentiſh officers (who lived up and down in the county) could be met with *ſo expeditiouſly as the nature of the caſe ſeemed to require*; upon which we agreed to accompany Lagier, that in caſe of the Mr. Parkers being arreſted and not having the money conveniently to pay me, I might take the beſt ſecurity in their power to give. For this purpoſe we took a blank bond and *warrant* of *attorney* with us.

When we left London it was nine o'clock at night, and very dark; you will not, therefore, wonder at my taking fire-arms with me, eſpecially when I tell you, that about a year before I had been robbed, and very narrowly eſcaped with my life. But, Gentlemen, I had an additional reaſon; for Lagier informed me, that he ſaw Ball put a blunderbuſs and piſtols into the carriage, and we conſidered that their ſeeing us armed would prevent them from reſorting to that violence which they had before exerted, when juſtice was demanded of them by courſe of law; for I ſhall ſhew you in evidence that a bill of indictment had been found, and was at that time exiſting, againſt Mr. Francis Parker, for reſcuing himſelf from an execution, and that the Sheriff's officer who made the arreſt had very narrowly eſcaped being run through the body (an atteſted copy of which indictment is in court, ready to be produced). The officer, whoſe name was Thomas Adams, attended here at the two former aſſizes to give this fact in evidence, but he is ſince dead, a fatality which has deprived me of two other witneſſes, one of them a moſt material witneſs, Mr. Richard Evans, a gentleman eminent in his character and ſituation, and whom I had never ſeen till immediately after the accident. This gentleman's evidence would have gone to a poſitive contradiction of the ſtrongeſt part of what Mr. John Parker has ſworn. But, Gentlemen, notwithſtanding this and other misfortunes, I have ſtill ſufficient evidence to ſhew, in the cleareſt manner, the *abſolute falſhood* of almoſt every part of the charge which has been made againſt me. Now, Gentlemen, give me leave to put this queſtion home to every one of you: If the information I had received was not true? And if the event did not juſtify my ſuſpicions of their intending to eſcape to the Continent, without ſatisfying my demands? Had the Mr. Parkers intentions to me and the reſt of their creditors been honourable and juſt, why ſteal off from London in ſo clandeſtine a manner? Why ſhun and avoid giving me any kind of ſecurity for my juſt demands during the three months that had elapſed, between the time of their releaſe from confinement, the completion of the mortgage with Mr. Taylor, and my overtaking them at Dartford? Why employ ſuch men as Ball and Maſterſon to cover their retreat? Why appoint a private meeting on Tueſday in St. George's Fields, and from thence proceed to Dartford, and remain lurking there till the arrival of Ball and Maſterſon on Thurſday with their baggage, and part of their arms? Why poſtpone the execution of the bond they mention till their meeting at Dartford, if it be true that Mr. Parker had then executed any ſuch bond? But here, Gentlemen, let me further obſerve, that even if he had executed this ſort of

bond

bond (deſcribed in the informations of Ball and Maſterſon) yet from the ſituation of his property it was no ſecurity for my money, *unleſs a warrant of attorney had been executed with it.* For the truth of which I beg leave to appeal to his Lordſhip, who preſided in one of the courts of law in Ireland, who will inform you, that a bond there, is always accompanied with a warrant of attorney, and is on the ſame ſheet of paper with the bond; yet it is ſworn in the information of Maſterſon, that Ball (who followed the buſineſs of a notary publick in Dublin and London, as long as his virtues and his conduct would permit him ſo to do, and who muſt therefore be well acquainted with the cuſtom and operation of Iriſh bonds) adviſed Mr. Parker *not* to execute any warrant of attorney; without which he well knew, *that a piece of waſte paper would have been as good a ſecurity*, particularly as Mr. Parker, whoſe perſon *only* could be affected by *that ſort of bond*, was *quitting the kingdom*; *and I doubt not but this advice of Ball's will give you ſome idea of his intentions towards me.* But, Gentlemen, ſuppoſe the bond had been accompanied with a warrant of attorney, and that it had been for the whole of what was owing to me, which was not the caſe, (as, according to the proſecutor's own account given on a former occaſion, it was executed only for 570l.) yet how could I know that Mr. Parker intended giving it to me, or any kind of ſecurity whatever, eſpecially as I had often applied to Maſterſon, who was the only one of Mr. Parker's aſſociates I could ever meet with, deſiring him to obtain a proper Bond from Mr. Parker, but his conſtant anſwer was, that Mr. Parker declared he would not execute any Bond, but would pay me the money as on the week following that in which the accident happened, when he would call on me, and fix on a day for our travelling to Ireland together, as he heard I had an intention of going there. This ſtory was evidently fabricated to prevent my having any ſuſpicion of his intention to eſcape to France, in which, if he had ſucceeded, as my demands and thoſe of other creditors (who are now paid) *were circumſtanced*, it would in effect cancel them; and that this, *and this only*, was the deſign of himſelf and his brother, I think you cannot entertain the ſmalleſt doubt.

Thus far, Gentlemen, I truſt my conduct towards both the Meſſrs. Parkers appears to you free from guilt or cenſure; and I hope now to make it equally clear, that my ſubſequent conduct, when they were arreſted at Dartford, is to the full as blameleſs.

Gentlemen, you will, no doubt, keep in your recollection the ſingularity of the charge that is made againſt me, which is, "That I, a fair creditor, having over-"taken my debtors, accompanied by an Attorney of eſtabliſhed character, with "*legal authority to arreſt them*, did, without the *leaſt cauſe or reſiſtance*, *wilfully and* "*intentionally* ſhoot at one of them, inſtead of ſuffering my writs to be executed." This is what my perſecutors have been hardy enough to ſwear. Now, Gentlemen, give but a moment's attention to the certain effect ſuch an extraordinary action muſt have been attended with to me.

My demands on Mr. Parker (*amounting to* 1160*l.* including a debt for which I ſtill remained ſecurity for him, and which he has *ſince the accident paid*) would be irrecoverably loſt, my *character* for ever branded with infamy, and my *life* forfeited to the laws of my country. Can it therefore be ſuppoſed, can it be credited, will any man believe, that with thoſe deſtructive conſequences ſo plainly before my eyes, I ſhould wantonly commit an act ſo repugnant to my intereſt, ſo deſtructive to my happineſs, and which muſt inevitably end in an ignominious loſs of my life? No, Gentlemen, you will not ſuppoſe it, you cannot believe it; the internal evidence ariſing from the nature of the caſe is ſo irreſiſtible, that it muſt fully repel ſuch an idea, if I had no other ſpecies of evidence to offer. But unneceſſary as it may be, I thank the Almighty that I have, notwithſtanding the contrivances of my proſecutors to deprive me of any. Yes, Gentlemen, I have witneſſes, *diſintereſted* and *reſpectable* witneſſes, who have *characters* to *preſerve*, no *proſecutions to fear*, *nor fraudulent deſigns to execute*, who will lay before you a caſe widely differing from that you have already heard. But before I comment on the evidence already given, or open to you

my own, permit me to aſk you one more queſtion.—If I had been ſo fooliſhly malicious as to have thirſted after the life of Mr. Parker, how happened it, that, inſtead of aſſaſſins, I ſhould have taken an Attorney of unblemiſhed reputation down to Dartford, which could have anſwered no other purpoſe than defeating the deſign imputed to me, or giving evidence againſt me, if I had carried it into execution? I muſt have been as *weak* as my proſecutors ſay I am wicked, to have acted in ſuch a manner; and again, if my intention was to murder my debtor, and *not recover my debt*, how happened it, that inſtead of lying in wait for him myſelf, I the night before employed *Sheriff's officers to arreſt him in London?* By which means, if they had ſucceeded, he would have been in the cuſtody of the law, and I, by my own act, ſhould have put it out of my power to do that which is now imputed to me, and for which my blood is demanded.

On our arrival at Dartford, we heard that the Mr. Parkers were at the Bull; on which we immediately proceeded to that Inn, followed by three perſons, then unknown to us.

Did I go alone? Did I ſend for Mr. Parker out of the room? Did I ſeek any kind of privacy? No; you have heard from the proſecutor's own witneſſes, you will hear it again from mine, that I invited people to accompany me, that I told them our buſineſs, and charged them to aſſiſt; that I deſired the waiter to introduce Lagier to the Mr. Parkers' apartment, and followed him myſelf, accompanied by my Attorney and other perſons. Was this the conduct of an aſſaſſin, *to call witneſſes to my own guilt?* And to violate the laws of ſociety in the preſence of thoſe who would be able, and of ſome too whom you have found deſirous and *impatient* to bring me to diſgrace and puniſhment?

Ball and Maſterſon have been bold enough to tell you, that I came firſt into the room where they were ſitting with the Mr. Parkers; but in this the proſecutor himſelf contradicted them, for he ſwore on a former occaſion that I came laſt into the room; they all, indeed, agree that I ſaid, "Villain have I caught you?" and that I inſtantly diſcharged a gun at Mr. Parker. It may be ſaid, that this is but an immaterial variance, and ought not to affect the credit of their teſtimony; but you will conſider, Gentlemen, that Ball and Maſterſon are not diſintereſted witneſſes, *in my death conſiſts their ſafety*; for they well know, that they are amenable to the laws for obſtructing Lagier in executing the writ upon Mr. Francis Parker, and for the aſſault they then made upon me. This obſervation will hold with yet greater force againſt Mr. Francis Parker, who is at this moment my debtor, having hitherto, *by keeping out of the way*, avoided to pay me, *or to put in bail to my writ*, upon which he was arreſted at Dartford; though he has been reſolute enough in his evidence to-day to aſſert, that Mr. Rudd offered to put in bail for him. The contrary is the truth: as Mr. Rudd, on being applied to, *refuſed to do ſo*; but I hope as he now begins to conſider it fit that it ſhould be done, that he will prevail on Mr. Rudd to do it the next term. As to his denying the whole of the debt he owes me, theſe kind of miſtakes are ſo familiar to him, that I, who know him well, cannot be ſurpriſed at his want of memory, though my demands on him were contracted in ſuch a manner, as one ſhould imagine, they ought not readily to eſcape his recollection; however, if he chuſes to diſcuſs this point in the proper place, probably it will appear that, like his brother, his memory is apt to deceive him, when his intereſt or any point he aims at may be affected by it; of which it is impoſſible to give you a ſtronger inſtance than the inſtructions given to the learned Serjeant who opened the caſe againſt me, "that Mr. Parker was diſappointed in getting the money I raiſed for him, at "the time the accident happened at Dartford." Gentlemen, that matter was compleated, as far as I could have any concern in it, and *the mortgage deeds even executed* on the 23d of April 1775; which was more than *three months preceding the accident*; part of the money was given to Mr. Parker himſelf; and upwards of ten thouſand pounds more of it was *then* ſent into Ireland to pay his debts there; the reſidue was detained at Sir Charles Aſgill's for Mr. Taylor's ſecurity, who could not be

be expected to part with it till the other incumbrances *prior to his own* were removed, ſome of which Mr. Parker thought proper to diſpute; though without a proſpect of ſucceſs, as the event has proved; but he has endeavoured (through his counſel) to give an idea that that buſineſs was not effected for him; knowing that this is not a place for obliging him to explain it; though he has this day been pleaſed to take this advantage of me in almoſt every inſtance of our dealing. But to return to a ſubject, at preſent, much more intereſting to me:

The fact is, that on our arrival at the Bull, we agreed that the waiter ſhould go firſt into the room, that Lagier, whilſt the door was open, might have a view of the company to know whether the Mr. Parkers were there, that he ſhould then follow the waiter, and arreſt them both; if they reſiſted, he was to call for aſſiſtance, and we, who waited in the gallery, were then to enter to his aid. It has been ſaid, and I am ready to confeſs it, that I did give out, that the perſons, who were the objects of our purſuit, were ſwindlers, hoping thereby to engage the by-ſtanders in my behalf, well knowing that the people, in general, are not very zealous in aſſiſting in the arreſt of debtors.

John King, the waiter, has told you, that he went firſt into the room; that he was *returning* to the door with two decanters in his hand when Lagier entred, and *that Mr. Gapper and I followed.* If Mr. Gapper and Lagier had not been joined in this indictment, which could have been done with no other view than to deprive me of their teſtimony, and which will ſhew you the *complexion of this proſecution*, they would tell you what they have already depoſed before Lord Mansfield, *that King, the waiter, went firſt into the room; that Lagier followed, and ſaid to the Mr. Parkers, I arreſt you in the King's name; that Mr. John Parker ſtarted from his chair and called for his piſtols; that then Lagier demanded aſſiſtance, on which I entered the room followed by Mr. Gapper; that Ball put out one candle, threw down the other, and immediately ruſhed to the door to prevent my entrance; and that in collaring and puſhing me back, the carbine went off.*

I preſume to hope, that his Lordſhip will direct you to acquit Mr. Gapper and Lagier; before I go into my evidence, I truſt, you will be ready to do it, becauſe there has not been, indeed there could not be, any evidence to affect them; *they went to execute, not to break the law*; and when before Lord Mansfield to be bailed, his Lordſhip obſerved, that his taking bail for them was a mere matter of form, and that if any proſecution was carried on againſt me, care ſhould be taken that I ſhould not be deprived of their teſtimony. His Lordſhip at the ſame time obſerved, that there was very contradictory ſwearing, but that it was repugnant to every rule of human action for a creditor to arreſt his debtor, and then without ceremony to ſhoot him, thereby to deſtroy his ſecurity, and ſubject himſelf to a criminal proſecution. When, therefore, you hear the evidence of Ball and Maſterſon poſitively contradicted by Mr. Gapper and Lagier, I hope you will confirm Lord Mansfield's opinion of the improbability of the charge that is now made againſt me.

But I have ſtill other evidence to this part of the charge: You may remember that I have already mentioned in my defence, that I was followed from the Roſe Inn by ſome perſons then unknown to me; one of thoſe perſons was George Walker, who, through the humanity of Mr. Preſcott, a gentleman of fortune in this neighbourhood, I am enabled to call as a witneſs; for though I had not the honour of Mr. Preſcott's acquaintance, yet he very kindly informed me, in a day or two after this accident, that his coachman, George Walker, was an eye witneſs of what had happened at Dartford, and was ready to depoſe the truth. He has depoſed the truth before Lord Mansfield, when I was admitted to bail; he will again confirm that truth by telling you, that he ſaw the waiter firſt go into the room, that he ſaw Lagier follow him, that he heard Lagier arreſt them in the King's name, that he ſaw the papers, meaning the warrants in his hand, that he heard one gentleman call for his piſtols, that he ſaw another puſh againſt me as I was entering

tering the room, and that the inſtant the carbine was diſcharged, he was ſo cloſe to me, that I fell back upon him and Mr. Gapper.

Can you doubt the truth of this man's teſtimony? What inducement could he have to be a volunteer in perjury? What reaſon could actuate him, on his return to Boxley Abbey, to ſuppreſs the truth, and fabricate a falſhood? Why ſhould he have mentioned the circumſtances to his maſter in any other way than the facts warranted? He had no intercourſe with me, he did not even know my name, and, but for the humanity of his maſter, he would have been ſtill to me unknown; and I, at this hour, ſhould not have had the benefit of his teſtimony. Every part of the coachman's evidence will be corroborated by Mr. White, a farmer in this country, and Mr. Bernard Like, both ſtrangers to me, but whom curioſity had induced to follow us up ſtairs. They all will tell you, that on the carbine's being diſcharged, I inſtantly ran down and called for the watch. It is true, Gentlemen, I did call the watch, being then ignorant of the miſchief that had happened, and ſolicitous to prevent the Meſſrs. Parkers eſcape. But can you believe that I wilfully ſhot at Mr. John Parker, and then, inſtead of eſcaping myſelf, called the watch to take me into cuſtody? I aſſembled the watch; I directed the conſtables to be ſummoned. On my return up ſtairs, I learned, for the firſt moment, of the melancholy accident, of which I had been the innocent inſtrument; I inſtantly declared that Ball had been the cauſe of the miſchief, by endeavouring to puſh me out of the room, and that the carbine had gone off in the ſtruggle.

The carbine at that inſtant reſting on my left arm, and my right hand being placed on the lock, the place where every prudent man keeps his hand for ſafety on a gun that is charged; when I was falling from the violent puſh of Ball, of courſe the carbine loſt the ſupport of my left arm, and the lock being by the ſame means forced back, the forefinger of my right hand was hitched between the flint and the hammer, and cut to the bone at both ſides, which could not have happened, if I had premeditated the ſhot; in that caſe, my forefinger would have been applied to the trigger, and quite out of the way of that kind of accident. Minute as this circumſtance may appear, yet on conſideration, I truſt, it will have its weight.

The manner of the accident is further confirmed (almoſt to a demonſtration) by the height of the place where the balls lodged in the wainſcot, behind Mr. Parker, who, you will recollect, has ſworn, that I preſented the carbine at him, from my ſhoulder; therefore as the balls went ſo cloſe to each other through the fleſh juſt above his hip, the muzzle of the piece, as levelled from my ſhoulder, muſt have been conſiderably lower than the butt, to hit him in that part, and the balls, in their further direction, muſt have deſcended conſiderably lower than they did. This ſhews that the piece muſt have gone off in my fall, and be thereby much lowered to have had this effect. It is alſo the well conſidered opinion of Mr. Alley, a gunſmith of eminence in this town, who went to Dartford, and made thoſe obſervations, which he will depoſe before you, if you think it neceſſary.

I have been charged with reviling the proſecutor, while bleeding on the floor, and telling him, "That if he had twenty lives, he deſerved to loſe them all." *This was not mentioned either by Ball or Maſterſon, or any of the other witneſſes, in their depoſitions before the magiſtrate,* but was an after thought reſerved for Mr. Parker in his affidavit, to prevent my being bailed. It is not more extraordinary that I ſhould have been thus imprudent, as well as inhuman, than it is wonderful that Mr. Parker in the agonies he muſt neceſſarily have been in, both of body and mind, to have heard and remembered with ſuch accuracy, thoſe expreſſions which eſcaped every other perſon preſent, who gave in their informations before the magiſtrate the next day, but who have this day, notwithſtanding *their ſilence then*, ſhewn ſuch an aſtoniſhing pliability of recollection. John Harris's affidavit was, indeed, produced at the ſame diſtance of time to ſupport Mr. Parkers'. This Harris, who attended

attended the whole day, while the Juſtice was taking the informations upon which we were committed to priſon, was then ſilent, though he ſince has ſworn to a greater variety of circumſtances than any of the other parties, except Mr. Parker; with him, indeed, he endeavoured to agree in every thing. What could be the reaſon of his remaining ſilent ſo long? Was it that the intimacy he contracted with Mr. Parker and Mr. Maſterſon, during Mr. Parker's illneſs at Dartford, brought to his recollection at the end of two and twenty days, what it ſeems he had no idea of the day after the accident? The ſtrangeneſs and inconſiſtency of his evidence will ſtill more flagrantly appear to you in different ſhapes, for in his affidavit, he went ſo far as even to account for the mode of putting out the candles, by the diſcharge of the piece, though he was not preſent at the time. But, notwithſtanding the evident willingneſs he ſhews in ſwearing againſt me, *yet he admits, that I immediately declared that the piece went off by accident in the ſcuffle I had with Ball.* This clearly contradicts the former part of his affidavit, wherein he ſays, "I acknowledged that I had ſhot Mr. Parker, and that "all ſuch villains as he deſerved to be ſerved ſo." Great as is the latitude of depoſition this John Harris indulged himſelf in, it is not more extraordinary than that of William Wale, who, it ſeems, was a waiter at the Bull when this accident happened there. The day following he gave in his depoſition before the Juſtice, which contained nothing that could in any ſhape make againſt me; indeed his information was ſo immaterial, that though I got a copy of it, it was not thought worth the attention of my counſel, and therefore not ſhewn to them. Yet this man is now produced againſt me, and, notwithſtanding his former ſilence, follows Mr. Parker, literally, in the great object of his evidence, *the declarations ſubſequent to the fact*, that he has thought proper to put into my mouth, in order to eſtabliſh a previous intention upon me. Rawlings, the poſt-boy, purſues the ſame line of ſwearing, though he was totally ſilent the day after the accident happened. It is ſtrange they ſhould not remember, till nineteen months after the fact, what they ſeem to have had no idea of the very next day, though it conſtitutes the ſtrongeſt part of their evidence againſt me. But, Gentlemen, I will not further dwell on the particulars of their extraordinary conduct, their inconſiſtencies and contradictions; you cannot have failed to obſerve them, and his Lordſhip in his charge will impreſs them more ſtrongly upon you.

The conſtable Mr. Hand declared in his affidavit, that even Mr. Parker himſelf declared his belief that the gun had gone off by accident. Could Mr. Parker have ſaid ſo if what he and his witneſſes have this day ſwore was true?

I do moſt ſolemnly declare before God and this numerous audience, that I uſed no injurious expreſſions. I felt for the ſituation of Mr. Parker from my very ſoul; both my words and actions manifeſted the anguiſh of my heart. But, Gentlemen, you will be truly informed who were the revilers.

I ſhall produce you witneſſes of undeniable credit, among whom is Mr. Atkinſon, a very eminent Merchant of the City of London, a gentleman whom I had never ſeen before, who being at the inn, and hearing of the accident, came immediately into the room. He will tell you my diſtreſs; he will declare the decency of my behaviour. From him you will hear with what patience I ſubmitted to the opprobrious language both of Ball and Maſterſon, and that I vented no reproaches; that my whole thoughts and attention were engroſſed by the ſituation of Mr. Parker, and *my endeavours for his relief and recovery.* By Mr. Atkinſon you will be told, that *Ball confeſſed to him, the morning after the accident,* THAT HE DID NOT BELIEVE I HAD SHOT MR. PARKER ON PURPOSE. In this confeſſion Mr. Atkinſon will be ſupported (if his evidence can want ſupport) by a Gentleman of the Bar, who talked with Ball, and King the waiter, upon the ſubject, and *heard the ſame confeſſion from them both.*

Mr. Serjeant Glynn has told you, Gentlemen, that my guilt muſt depend not on a ſudden provocation, but on a preconceived malice; my counſel have confirmed the

learned Serjeant's opinion. Let me then ask you, if I had any intention to do mischief, when did it first operate on my mind? Was it in London? If so, how came I to employ Bailiffs to arrest him? Was it on my arrival at Dartford? If so, how came I to collect four or five strangers to attend me to the Bull? Was it on my entering the room? If it was, what could affect my mind at that moment which had not actuated it before? Nothing had passed to change my original purpose of arresting my debtors. I trust then, Gentlemen, you will give credit to my assertion, that it was accident, not design.

Here permit me, Gentlemen, to add, that I have been persecuted with the most unwearied malice, and attacked with different prosecutions for those nineteen months past. I have been traduced in the basest manner, and the foulest endeavours have been used to bring me to an *ignominious* death. Every means, through money and otherwise, were used to prevent even the humanity of the Constable from operating in my favour, by inducing him to iron me, tho' no suggestion could be offered that I attempted or wished to escape. I was confined for near a month in a prison; the most strenuous efforts were exerted to oppose my being bailed; I have been calumniated in the public papers in the most virulent manner; nay, to such excess was it carried, that the publisher of the Westminster Gazette asserted in his paper that Lord Mansfield had *directed* I should be tried for a capital felony. I moved the Court of King's Bench for an information against the assassin, who attempted to prejudice, by such enormous falshoods, *the Jury who were to try me for my life.* I appeal to the learned Judge before whom I stand. He dared not appear to defend himself; an attachment issued against him, but he absconded from his house, and secreted himself so carefully, that he has hitherto eluded my vigilence to bring him to justice, though I was armed with the power of the Court to arrest his person. I am ready to prove, if his Lordship thinks it requisite, and, if you doubt the fact, that this base calumniator is protected by *the friends of the prosecutor.*

Now. I hope the malice of my enemies is satiated; my character has been traduced; my fortune injured; my peace of mind destroyed. This is the third time I have attended here, not only willing but impatient to answer my accusers. The consciousness of my innocence hath hitherto supported me. I submit with chearfulness to the laws of my country; I rely with the utmost confidence on your integrity; I am perfectly satisfied that your verdict will establish the character I have ever maintained in life, of a good subject and an unoffending man.

Mr.

MR. GAPPER's DEFENCE.

My Lord and Gentlemen of the Jury,

MY ſituation of life ſince I have been admitted in my profeſſion of an attorney, and a ſollicitor in the Court of Chancery; I hope theſe Gentlemen will believe, that I could never, if Mr. Stacpoole had had any ſuch malicious intentions in his mind, have been perſuaded to accompany him. I have the honour to be of the Society of Lincoln's-Inn, where my anceſtors had the honour of being benchers; I am deſcended from a very good family in the Weſt of England, and am heir apparent to a very good fortune there. Mr. Stacpoole applied to me profeſſionally, being recommended to me by a client. At the time he applied to me to iſſue theſe writs into Kent, there happened to be a client of mine with me, who is preſent in court; Mr. Stacpoole happened to know that gentleman, he aſked him to accompany him, he agreed to do it, but upon a ſecond recollection, he told Mr. Stacpoole he had ſome buſineſs; he aſked Mr. Stacpoole when he ſhould return; Mr. Stacpoole was not certain of that, and the gentleman told Mr. Stacpoole that he ſhould not return ſoon enough for his buſineſs, as he had an appointment upon his hands; they then applied to me to accompany Mr. Stacpoole, I not thinking of any harm did ſo; Lagier was made ſpecial, becauſe I told Mr. Stacpoole as theſe people were running into Kent very faſt, it would be rather impoſſible to get any of the Kentiſh officers to purſue them ſo readily as the buſineſs required, as the Mr. Parkers were then making off; and that was the only reaſon of my making Lagier ſpecial, I never ſaw Lagier before that time. I could have no enmity, if there was any, againſt Mr. Parker; I never ſaw the Mr. Parker's in all my life; when we came to Dartford we had our arms in the chaiſe. Mr. Stacpoole on the road told me to be upon my guard, for they were very malicious people; we took our arms out of the chaiſe, meaning to get into another poſt-chaiſe and four that was ordered, and as the ſtory has been told you by Mr. Stacpoole, we went to the Bull Inn, where Lagier had directions from me to execute the writs; the waiter went up ſtairs; upon talking the matter over it was agreed he ſhould go up ſtairs; he went up and opened the door; Lagier went and ſaw they were the Mr. Parkers; he went in and made his caption, and turned round to Mr. Stacpoole and me, and deſired us in the King's name to aſſiſt; for at this inſtant the parties had called for their piſtols, after Lagier had executed his writs, and upon Mr. Stacpoole's going into the room, Mr. Ball ran up to him, caught hold of him by the breaſt, and the candles were put out, and in the ſcuffle between Mr. Ball and Mr. Stacpoole the piece went off; I being behind Mr. Stacpoole his arm came with very great violence againſt the corner of my eye, and greatly bruiſed it; upon the piece going off Mr. Stacpoole turned round to me, and ſaid, for God's ſake, Gapper, take care of yourſelf, they will ſhoot you; with that we all retreated down ſtairs. Mr. Stacpoole ran into the ſtreet, and called the watch; I miſſed him I ſuppoſe for the ſpace of a minute and a half; I ſtood in the yard at the foot of the ſtairs, conſcious that I had been guilty of nothing that was wrong; upon our going up ſtairs again, ſeveral people went up together; there were three or four in the room, I believe, before I went in; when we came into the room Ball was exceeding abuſive; Mr. Stacpoole ſaid to him, the fault is all with you, had you not collared me, this accident never would have happened; upon looking round I ſaw Mr. Parker ſitting in one corner of the room; I did not then hear him complain; I went up to him and ſaid, Sir, where are you wounded?

I ſaid

I ſaid that from what the people had ſaid; when he came down ſtairs Maſterſon ſaid that he was murdered, I do not think you are hurt; there was great altercation; Ball and Maſterſon were both extremely abuſive; and if Ball is in court I would aſk him whether he did not once or twice ſay, I had nothing to do with it, and bid me leave the room, and ſaid they had no buſineſs at all with me.

Ball. Mr. Gapper called me out, and ſaid, I have nothing at all to do in this affair.

Gapper. I was permitted to go out of the yard; and about in the morning, and was not conſidered as being concerned at all in the matter; the Juſtice committed us, and the conſtable came up and ſaid, if we choſe we might ſtay there all night and go to gaol in the morning; I ſaid to Mr. Stacpoole, here are a vaſt number of people coming in as idle ſpectators to look at us, let us go immediately to gaol; upon which the conſtable ſaid he muſt chain us; I ſaid it was extremely cruel; at laſt I put out my leg and deſired as an innocent perſon I ſaid chain me; then Ball altho' he had no buſineſs in the room came in and laughed at us; we were committed in gaol twenty one days before the ſurgeons declared Mr. Parker out of danger; we were then had up upon an Habeas Corpus before Lord Mansfield, who admitted us to bail; my Lord, two of the gentlemen that are preſent in court were at Lord Mansfield's when we were admitted to bail; and upon reading the affidavits on both ſides, Lord Mansfield declared there was nothing to affect me or Lagier; when it came on in the upper court to be tried, Lord Mansfield then declared his opinion, that Lagier and I ought to be left out, notwithſtanding which Mr. Parker through the advice of Mr. Rudd thought proper to proſecute us; and I am quite innocent of any intention. I would rather have gone to the furthermoſt part of the earth, if I could have dreamed of ſuch an accident befalling us; I truſt that I ſhall be with the reſt of my companions here acquitted with honour, as we juſtly deſerve to be.

LAGIER's

LAGIER's DEFENCE.

ON the 15th of Auguſt in the year 1775, I was informed by Counſellor Stacpoole, that Mr. John Parker and Francis Parker were greatly indebted to him; and that he had got advice that they were to withdraw from this kingdom to France; Mr. Stacpoole bid me endeavour, as I had been acquainted with Mr. John Parker many years, to find where they were in town; ſo pleaſe your Lordſhip I had a meſſage from Paris of a ſword cutler; there is a gentleman here of fortune in this company that knows the man extremely well; his name is Furnace: that man coming from the ſouth of France, aſked me where Mr. John Parker was in the world; I told him that I thought he was in England, but was not ſure; he bid me in caſe I met him, to inform him, that he would be glad that he would ſend his money that was due to him; and to fetch away his double barrell'd gun and a parcel of books that laid there for years; I told the man that I would endeavour to find him; ſo I went to the Adelphi and to different places; I was informed that he owed for a ſword in the Adelphi; I aſked the waiter at the tavern, if ſuch gentlemen uſed there; the waiter told me they did, but could not give an account of them, for they had been abſent for a fortnight or three weeks, but uſed to come now and then, ſometimes in the morning at ſix o'clock, and at different times; and that he could not be ſure what time I could ſee them; the next day John Parker came there in the morning. I found it out that the waiter delivered my meſſage. Mr. Parker enquired what perſon I was; the waiter gave him my deſcription; why, ſays he, I intend to be very ſoon myſelf in Paris on that account. I went to Mr. Stacpoole, and informed him about this; then I came down and watched all night, till about nine in the morning. On the 17th, I ſaw Ball coming into the Adelphi, I was informed he came to ſettle the accounts at the tavern; after that he went out, but he did not pay the bill, ſo the ſervant of John Parker came awhile after that and brought the trunks down; and afterwards I ſaw a poſt-chaiſe coming; the poſt-chaiſe came in, the ſervant wanted to take the trunks away, but the waiter ſaid he would not let the trunks go out till he was paid; the chaiſe was waiting all the time, and the ſervant went back again to Ball; at laſt they came and paid the bill; I ſaw the things packed up, then the poſt-chaiſe went down a little further; I ſaw one of the gentlemen looking out of the carriage at the ſame time; I was following them in a hackney coach, I could ſee them, they could not ſee me; when they ſaw the ſervant draw back again, they returned back and through the City by the Royal Exchange; I ſaw Ball jump out of the chaiſe by the church in Cheapſide, he went down Ironmonger Lane, or King ſtreet, then the poſt-chaiſe went on; I could not diſcover the gentlemen, there was another gentleman in it, but I could not come near enough to ſee who that was; the poſt-chaiſe ſtop'd at the Royal Exchange two hours; I ſaw Ball going backwards and forwards by the Exchange; at laſt he went into the poſt-chaiſe which drove over London-bridge, and I followed them all the ways to Blackheath; when I ſaw that road, I had I thought no further to go, but my buſineſs was to come back again; I went to Counſellor Stacpoole's houſe, and gave him directions immediately about a diſcovery, ſo that Mr. Stacpoole had a great deal of work to go and acquaint people, and to get what was to be got, the warrants and the attorney and his officers, but he could not get an officer for the county of Kent, ſo Mr. Gapper told me I ſhould be appointed ſpecial for that time by the ſheriff of Kent: I ſaid I would do what I could to oblige Mr. Stacpoole, becauſe he was ſo great a friend to me, becauſe I had lived ſo long amongſt his relations; the Counſellor was always a very charitable and good natured gentleman as any whatever; I thought in my conſcience that I could not refuſe to do any thing, but not to go in any malicious way, but to endeavour to get his money; ſo

we arrived at Dartford rather near eleven at Mr. Pope's; the Counſellor ordered a poſt-chaiſe and four and a ſaddle horſe for to go to Rocheſter; at the ſame time I ſaid to ſome of the boys, becauſe I uſed when I went backwards and forwards to France, to be pretty well acquainted with the houſe; I aſked Mr. Pope if he could ſend a few boys to enquire after the chaiſe that had brought the goods; I got an account from one of the boys at Mr. Pope's, that theſe gentlemen I had deſcribed were at the Bull Inn, the poſt-houſe; upon that I went to Mr. Stacpoole and Mr. Gapper in the next room, they were drinking ſome negus; the poſt-chaiſe was making ready as faſt as poſſible; I told them the gentlemen are here; Mr. Stacpoole ſaid it was better to endeavour to arreſt them there; accordingly Mr. Gapper delivered me three warrants, one of 1800*l.* belonging to another gentleman, and one of 200*l.* againſt Mr. John Parker; and the other againſt Mr. Francis Parker of 200*l.* and upwards; I deſired the waiter to go up ſtairs into the room, and to come out of the room and leave the door open; accordingly he went in, and coming out he paſſed me on the left hand immediately; ſeeing the gentlemen ſitting I went in with the three warrants in my hand, and I called out aloud, "Mr. John Parker and Mr. Francis Parker "I arreſt you in the King's name:" there are witneſſes will prove that accordingly ſo; Mr. John Parker roſe in a paſſion and called "blood and wounds! my piſtols." I retired terrified; and at the ſame time I called upon Mr. Stacpoole and Mr. Gapper to come to my aſſiſtance; Mr. Stacpoole and Mr. Gapper came in directly, and a young man whoſe name is George Walker at the ſame time; I ſaw Mr. Ball put out one of the candles fairly with his hand; and he roſe and collared the Counſellor, and called out, "You villain what are you about?" the other candle was thrown down, ſo we were all in the dark, and the gun went off at the ſame time; upon that every one did leave the room; one tumbled here and one tumbled there; one over the poſt-chaiſe and one down ſtairs; I came down and ſaw the Counſellor; he directly called for the watch to arreſt theſe gentlemen; I don't believe that the Counſellor knew then, I am ſure he did not know then that any body was hurt at all; there was nobody could ſwear that any man was hurt at that time becauſe they were all in the dark; I ſaw the Counſellor's fore-finger bleeding, and his hand all full of blood; I aſked him what was the matter with his hand; he told me he thought it was the flint of the gun that tore it in wreſtling with Mr. Ball; and he was puſhed againſt Mr. Gapper; I ſaw a bruiſe on one ſide of Mr. Gapper's head, and further what paſſed among them, I did not meddle. I was very tired and ill, and did not mind what elſe paſſed; I fell aſleep, and for the reſt I never aſſiſted Mr. Stacpoole nor any body elſe; I never hurt Mr. Parker; Mr. Parker knowed me very well, tho' he ſaid to-day, he did not; we were always friends to him; he knew that I was in ſeveral parts of Ireland; that I was with ſome of the gentlemen he knew; that is all that I have to declare before your Lordſhip and the honourable company.

FOR

FOR THE DEFENDANT.

EDMUND KELLY, *Eſq*; *ſworn.*

Q. You was I believe requeſted by Mr. Stacpoole to have gone with him upon this occaſion, if the time would have permitted you?

Kelly. I was.

Q. If the return had been certain ſhould you not have gone with him?

Kelly. If a very particular buſineſs of my own had not been to have been tranſacted on the next morning, I ſhould have gone with him; before I thought of that, I promiſed Mr. Stacpoole to go with him, for he told me the whole ſtory; and he ſaid if we overtake Mr. Parker I don't mean to diſtreſs him; if he will give me ſecurity for my money, that is all I want; Mr. Stacpoole ſaid he owed him at that time a large ſum of money, that he uſed him not kindly in going away without paying him, yet, ſaid he, I don't mean to diſtreſs him; I have been a friend to him a long time; if he gives me ſecurity for my money, that is all I want; that he told me between eight and nine o'clock the night he left town.

Mr. MICHAEL QUIN *ſworn.*

Quin. This is a copy of the original affidavit *(producing it, it is read.)* I examined it at the office; "Joſeph Stacpoole maketh oath that John Parker is indebted to "him 200*l.* and upward; and Francis Parker 200*l.* and upwards for money paid, "laid out, and expended, and money lent to each of them."

Q. Do you know any thing about the bill in Middleſex?

Mr. Serj. Glynn. I take that for granted.

Court. It is admitted that a latitat iſſued and a ſpecial warrant directed to Lagier.

GEORGE WALKER *ſworn.*

Q. Where do you live?

Walker. At Greenwich, at the King's Arms.

Q. Where did you live on the 16th of Auguſt 1775?

Walker. I was that day hired to Squire Peſcot of Boxley Abbey.

Q. Did you happen to be at Dartford on this 17th of Auguſt?

Walker. I was at Dartford.

Q. Was you at the Roſe Inn?

Walker. I was.

Q. Did you ſee Mr. Stacpoole, and Mr. Gapper, and Lagier there?

Walker. Yes, I did.

Q. You are the perſon that Pope has told the court followed from the Roſe to the Bull Inn?

Walker. Yes, I followed them all.

Q. Did you hear any thing fall either from Lagier or any of the gentlemen, that led you to think they had any warrant with them?

Walker. Not a word of the kind till after we were at the Bull.

Q. Did you at the Bull?

Walker. I did; when they called for the waiter out of the kitchen, Mr. Pope called for the waiter; after they had got the waiter out, Lagier told them they were debtors and were running to France from their creditors, or words to that purport.

Q. What ſaid the waiter?

Walker. He ſaid he believed they were there, or if they were not the ſame, there were ſome like them, by the deſcription Lagier had given of them.—Lagier deſired to be ſhewn to the room where they were; he deſired the waiter to open the door and draw himſelf back, that he might ſee into the room, to be confident whether they were the Gentlemen he wanted or not, without going in to diſturb them. The waiter went into the room, Lagier followed him, Mr. Stacpoole was the next, and Mr. Gapper the next, and I was behind them; I followed them as cloſe as ever I could.

Q. When

Q. When the door was opened by the waiter you ſaw into the room, as well as Lagier?

Walker. I could ſee into the room very plain: there were two candles I ſaw upon the table, and two decanters, one of water, and one of wine.

Q. Who went firſt into the room?

Walker. The waiter: I believe he went about the width of the door into the room, but I cannot be confident of that; and then Lagier went in.

Q. Did you hear any thing?

Walker. He went towards the table; he held ſome papers out in his hand to one of the gentlemen who was at the table; he called the gentleman by the name of Parker, and ſaid, I declare I do arreſt you in the King's name, at the ſuit of Mr. Stacpoole, or ſomething to that purport. I heard the name of Stacpoole mentioned.

Q. Was Mr. Stacpoole in the room when theſe words were pronounced?

Walker. He was not.

Q. Was Mr. Gapper?

Walker. No he was not, they were both at the room door.

Q. Did you hear any other words paſs before Mr. Stacpoole went into the room?

Walker. After Lagier had arreſted Mr. Parker he jumped up. Blood and wounds! ſaid he, where are my piſtols? and I believe he repeated the ſecond time, where are my piſtols? upon that Lagier turned round and charged Mr. Stacpoole and Mr. Gapper in the King's name to come to his aſſiſtance; they were not in the room at that time? I was ſtanding cloſe by Mr. Gapper at that time; upon Lagier's calling for aſſiſtance; Mr. Stacpoole made forward to get into the room; there was a gentleman jumped up, and as he came with his hands in this form, (*deſcribing it*) I ſaw him put one of the candles out.

Q. From the perſons you have ſeen in court to day, can you tell us which it was?

Walker. I believe it was Mr. Ball.

Q. You had never ſeen him before?

Walker. I had never ſeen either of the gentlemen on either ſide before: one I am certain put the candle out, but I believe it to be Mr. Ball.

Court. What became of the other candle?

Walker. Whether it was put out or not, I am not now poſitive, but I believe it was.

Q. What did this gentleman do after he had put the candle out?

Walker. He came with great force to Mr. Stacpoole, as he was entering the room; he ſhoved againſt Mr. Stacpoole, and ſhoved him back againſt me and Mr. Gapper.

Q. Had the gun gone off before this puſhing of Mr. Stacpoole back?

Walker. It had not till after the gentleman's puſhing againſt Mr. Stacpoole.

Q. Did it go off immediately upon that puſh?

Walker. It went off immediately upon that puſh.

Q. Did you ſee Mr. Stacpoole preſent the gun at any perſon before this ſcuffle or after?

Walker. Not at all to any perſon.

Q. Theſe being the facts, did you mention them to any body after you got back to the inn?

Walker. I mentioned them to Mrs. Pope, and young Mr. Pope, that is in court now, on that very night.

Q. Did you give any account about theſe facts to your maſter, when you got home?

Walker. As ſoon as I got home.

Q. You had never ſeen Mr. Stacpoole before?

Walker. I had never ſeen either of the gentlemen on either ſide before, to the beſt of my knowledge.

Q. Did your maſter ſay any thing to you reſpecting this account afterwards?

Walker. The next day after I came home from the place, I told my maſter, and he wrote a letter immediately, and ſent it by me to Mr. Stacpoole, the day after they were put in priſon at Maidſtone.

Q. Should you have gone to Mr. Stacpoole the next day, if your maſter had not ſent you?

Walker.

Walker. I do not know; I believe I might; I went as my maſter ordered me; the letter was deſiring me to be taken before the mayor, and an affidavit to be taken from me of what I had related to my maſter.

Q. Did you go into the room and ſee a piſtol there or not?

Walker. I did after the accident had happened a minute or two; when I came to the room door it was very full of ſmoke, and there was a man walking croſs the room with his hand put into his waiſtcoat, and he ſaid, O my God what a ſhocking thing it is!

Q. Was it dark then?

Walker. No, there was one candle a-light in the room upon the table; it was not above two minutes after, I looked acroſs the room when I had got about half way into it, and ſaw ſome great coats lying there, and ſome luggage, ſomething of that kind, and I ſaw two brace of piſtols lying cloſe by, and a little ſhort gun almoſt the ſize of Mr. Stacpoole's that the accident happened with.

Q. Did you ſee Mr. Stacpoole's finger?

Walker. I did; it was bleeding very much; it was the fore-finger of the right hand; it appeared to be cut on both ſides. I returned down ſtairs immediately afterwards.

Q. Did you hear Ball ſay any thing?

Walker. I am not confident that it was him, but it might be him that was in the room. I heard the perſon ſpeak no other words, but, my God what a thing it was. Afterwards I returned down ſtairs again, there was one watchman coming up with his lantern.

Q. You did not go with Mr. Stacpoole and Mr. Pope to the conſtables?

Walker. I did not; I ſaw Mr. Stacpoole and Mr. Pope come into the Bull gate-way afterwards, and by that time there were two watchmen as I remember, and a good many people there. Mr. Stacpoole was begging of them to go foremoſt, for he was afraid to go up alone, for fear they would fire upon him; he was dubious of going up by himſelf.

Q. Did you afterwards hear any expreſſions made uſe of, and by whom?

Walker. When we came to the room door there was no light at all, and then the room door was ſhut almoſt cloſe to. At the time I left it, it was quite open. I did not go in the foremoſt; I believe one of the watchmen went in foremoſt, but I am not poſitive.

Q. Perhaps you went in pretty much together?

Walker. As faſt as we could.

Q. Did you hear Ball ſay any thing after the light was introduced into the room?

Walker. Yes, calling Mr. Stacpoole all the murderous villains, puſhing him from one ſide of the room to the other many times over; one time it was near the fire place, between the fire place and the table, that they were diſputing. Mr. Stacpoole told Mr. Ball that was not the place to conteſt any thing of the kind, when Mr. Ball was telling him he would be hanged, or ſomething to that purpoſe. Mr. Stacpoole told him that was not the place to conteſt any thing of the kind, but that would be tried after. Mr. Stacpoole deſired a juſtice ſhould be ſent for; he deſired that twenty times over.

Q. How long did you continue in the room?

Walker. From the time the accident happened till after one in the morning.

Q. Did you hear Mr. Stacpoole during the time you was in the room abuſe Mr. Parker?

Walker. I heard him aſk Mr. Ball who he was, and where he lived, or ſomething of that kind; Mr. Ball told him ſome directions where he lived in town. O! ſays Mr. Stacpoole, I recollect you very well, I have heard of you at times, or ſomething to that purport.

Q. Did you or not hear Mr. Stacpoole abuſe the gentleman to whom this accident happened?

Walker. I did not hear him abuſe him at all.

Q. And you was in the room till one o'clock?

Walker. Till after the clock had gone one, then I went down to bed at the Roſe.

Q. Do you think if there had been any abuſe upon Mr. Parker, you ſhould not have heard it?

Walker. I muſt have heard it.

BERNARD LIKE *ſworn.*

Q. Do you live at Dartford?

Like. I was at that time at Dartford.

Q. Did you ſee Mr. Stackpoole at Dartford?

Like. Yes.

Q. When did you firſt ſee Mr. Stacpoole?

Like. Between ten and eleven, when his carriage drove under the gate-way; the firſt perſon of the company I ſaw was Lagier; he alighted from his horſe and made an enquiry after ſuch and ſuch people that had travelled that road, and he gave a deſcription of the poſt chaiſe and the driver; as I did not belong to the Inn, I delivered his deſcription to Mr. Pope; he made enquiry and found he was not at that Inn; he ſent to enquire at the other Inn; in the town; the boy returned and ſaid they were at the Bull; the gentlemen had juſt been ſhewed a room; they came out of the room, and aſked me if I would aſſiſt them in going to take ſome gentlemen that they had ſpecial warrants for.

Q. Which of them aſked you that?

Like. I cannot tell; there were two gentlemen together; Mrs. Pope made a reply, and ſaid, Gentlemen, my ſon ſhall go with you; young Mr. Pope and I went with them.

Q. What paſſed at the Bull?

Like. When we came to the Bull Inn, Mr. Pope went up the yard with Lagier; he deſired me to ſtay with the gentlemen under the gate-way, which I accordingly did; I ſtaid with Mr. Stacpoole and Mr. Gapper; they were entire ſtrangers to me at that time; while I was with the gentlemen under the gate-way, they enquired of me if there was any back-way out by which I thought they might make their eſcape; I told them there were back-gates to the Inn, which I imagine made them more ſuſpicious; then Lagier and Mr. Pope, and the waiter came from the bar downwards to the gate-way, and met me and Mr. Stacpoole, and Mr. Gapper, and the reſt of the company.

Q. Did any converſation paſs then about the proper method of taking theſe perſons?

Like. Mr. Pope and the waiter were doubtful whether they were the ſame people or no; they were afraid they might not; and for fear of making any diſturbance in the houſe that might hurt the cuſtom of the houſe, they took the moſt proper method as they thought to prevent it; they wanted to perſuade the gentlemen to go into a room oppoſite, which they did not agree to then; they wanted to perſuade them to ſit upon a bench in the yard; they ſaid the waiter was juſt going to ſhew them to bed, and then he would ſee them paſs.

Q. Did they give any reaſon why they would not wait upon the bench in the yard?

Like. No; I imagined as I had told them there was a back-way out, that they were afraid they ſhould eſcape; then there was an agreement between Lagier and the waiter, that the waiter ſhould go up ſtairs and leave the door half open, that Lagier might paſs by, and ſee whether they were the ſame people or no; they went up ſtairs; Lagier and the waiter went foremoſt.

Q. Before they went up ſtairs, was any agreement made, if they met with any reſiſtance what was to be done upon it?

Like. I do not recollect any ſuch thing. Lagier and the waiter went up ſtairs; I ſuppoſe they had got half way up, when Mr. Stacpoole and Mr. Gapper were at the bottom of the ſtairs; I was cloſe with them and Mr. Pope; Mr. Stacpoole deſired me to aid and aſſiſt in the king's name as he did Mr. Pope. I followed them up ſtairs; when we had got pretty near half way up, one of the gentlemen clapped his hand upon my back, and deſired I would go forward, and go into the room, which I rather declined doing, becauſe I thought it was not prudent; I drew rather behind; preſently, I heard a voice in the room cry blood and wounds! my piſtols! or ſome ſuch expreſſion; and then I heard Lagier, I can venture to ſwear it was him by his tongue, call out for aſſiſtance; he called ſome names, I could not expreſsly tell what; I got two or three ſteps higher; I ſaw a light in the room; the door was a little

open;

open; ſomebody puſhed into the room; that, I ſuppoſe, was Mr. Stacpoole and Mr. Gapper.

Q. At that time was Lagier within the room?

Like. He was.

Q. When you heard him call for aſſiſtance, was his voice within the room?

Like. It was.

Court. Whether you know the perſon that called?

Like. As ſoon as they were in the room, I ſaw the light of the flaſh.

Q. Suppoſe the candles had been out at that inſtant, would not that have had the ſame effect?

Like. Yes.

Q. By your ſeeing the light of the piece, the door muſt be open?

Like. Certainly; then the gentlemen came out of the room as faſt as they could.

Q. You heard the piece go off, as well as you ſaw the flaſh?

Like. Yes, it almoſt ſtunned me; Mr. Stacpoole came out of the room, ran down ſtairs, and called watch and murder!

Q. When did you ſee him again?

Like. I ran down ſtairs with him, as ſoon as he came out of the room; he was cloſe upon me.

Q. It was ſome ſpace of time before he went into the room again?

Like. Yes.

Q. It was ſometime before he returned up ſtairs again?

Like It was.

Q. Then that is not true, what has been ſworn by the proſecutor's witneſſes, that Mr. Stacpoole went up ſtairs immediately?

Like. No.

Q. When did you go up ſtairs again?

Like. When we alarmed the neighbours, ſeveral came and went up the gate-way, and there was Mr. Maſterſon, as I have ſince learned him to be, at the foot of the ſtairs; he had a candle in one hand, and a piece of paper in the other; he aſked Mr. Stacpoole, if he knew what he had done? Mr. Stacpoole ſeemed very much concerned at Mr. Maſterſon's ſaying that Mr. Parker was ſhot.

Q. What did Mr. Stacpoole ſay upon that?

Like. I did not hear him; he ſeemed very much concerned. Mr. Stacpoole went up ſtairs, I followed him, and as ſoon as I got into the room, I ſaw Mr. Stacpoole on one ſide of the table, and Mr. Parker lay wounded in one corner of the room. Mr. Stacpoole ſeemed very ill treated, I thought, by the party belonging to Mr. Parker, by collaring him and knocking him about like a common fellow.

Q. By ſomebody that was with Mr. Parker, ſome of theſe ſort of gentlemen?

Like. Yes.

Q. Do you know which they were?

Like. I cannot take upon me to ſay; I heard ſome body call him a villain and a murderer. Mr. Stacpoole ſeemed to me to make towards Mr. Parker, that lay wounded, to know his complaint, but could not get near him, by reaſon of the gentleman that had got him faſt.

Q. Did Mr. Stacpoole make uſe of any opprobrious or diſreſpectful language to Mr. Parker?

Like. I did not hear any; I was in the room till Mr. Parker was removed to his bed; the watchmen were there, they interfered in the matter, and ſaid Ball and his party did not behave like gentlemen.

Q. Then this rebuke of the watchman was called upon theſe people, for their ill behaviour to Mr. Stacpoole?

Like. Yes; Mr. Stacpoole ſeveral times expreſſed a deſire of a ſurgeon, and ſaid was there no ſurgeon in the town?

Q. Did he ſpeak that with anxiety, ſhewing a deſire that a ſurgeon ſhould be ſent for? in ſhort, was his conduct like that of a man that ſeemed ſorry for what he had done?

Like. He did.

Q. Or was it the conduct of a man glorying in what he had done?

Like. No, by no means.

Q. You

Q. You have no occaſion to ſay any thing about it, from any connexion with the parties?

Like. I never ſaw either of the parties before in my life.

EDWARD WHITE *ſworn.*

Q. You are a farmer I believe?

White. Yes.

Q. Do you remember being at the Bull Inn at Dartford, on the 17th of Auguſt?

White. I do.

Q. Was you preſent when the perſons went firſt up ſtairs?

White. Yes; I was preſent when the gentlemen came into the Bull Inn, and when they went up ſtairs.

Q. What did they ſay to you?

White. They did not ſay any thing to me, nor did I ever ſee them before in my life, to the beſt of my knowledge.

Q. Did you underſtand what they came for?

White. No; I could not tell what was their buſineſs.

Q. Did you know the perſons that went up ſtairs?

White. I know ſince by information, but I never ſaw them before in my life.

Q. You remember their going up ſtairs?

White. Yes, I followed them.

Q. You know James Lagier?

White. I do ſince, I never ſaw him before.

Q. Did he go up ſtairs firſt or not?

White. Lagier followed the waiter; there were other perſons whom I knew not; there was a youngiſh man in black; I followed the other two gentlemen that followed Lagier.

Q. I underſtand then, the order was this; the waiter firſt, Lagier next, the other two gentlemen, then you, and then the others?

White. There were two gentlemen, one had a carbine in his hand, and there was another gentleman followed Lagier up ſtairs, about four ſtairs diſtance one from the other.

Q. You was near enough to ſee what paſſed?

White. Yes.

Q. Who entered the room firſt?

White. I cannot ſay in particular.

Q. You know Lagier?

White. I ſaw him in particular, having a red jacket on, entering into the room; I did not ſee the waiter go into the room; he was in before; I ſaw him come ſlanting out; the door ſtood a-ſlanting open.

Q. Who did you ſee go in after.

White. Lagier.

Q. Who went in next?

White. A man in black; I am not ſure whether after Lagier, or whether he ſtopped ſome time at the door with the two gentlemen; I ſaw the two gentlemen, one having the carbine in his hand, ſtand at the door.

Q. Was the man in black the perſon that had the carbine in his hand?

White. No, this was quite a young man, a ſtripling: ſome perſon called out for aſſiſtance.

Q. Did you hear any thing paſs before Mr. Stacpoole and the other gentlemen went in?

White. I heard a voice in the room ſpeak like an outlandiſh man, not like an Engliſhman, calling for aſſiſtance in the king's name; then they ſtepped in; I heard directly a great noiſe, and a great diſpute in the room, immediately; I ſaw the hand of ſome perſon; the candles were partly extinguiſhed out in an inſtant; the room was in an inſtant of an uproar; I ſaw a gentleman take the gentleman that had the carbine in his hand by the collar, and in the moment the candle went out.

Q. Did this paſs before the carbine went off?

White. Yes, it did.

ROBERT

ROBERT KEMP *ſworn.*

Q. Are you a watchman at Dartford?

Kemp. Yes.

Q. Do you remember any thing happening on the 17th of Auguſt, 1775?

Kemp. Yes.

Q. Take it up as early as you can give an account of what paſſed?

Kemp. I was doing my duty, crying the hour of the night; I might be about one hundred and fifty yards from the Bull at the time; I heard the outcry for the watch and for aſſiſtance.

Q. Do you know from whom that outcry came?

Kemp. The people of the town made the outcry, as near as I heard; they told me it was at the Bull; I went up to the Bull; I met Mr. Stacpoole at the gate-way, juſt within the ſtreet; he aſked me if I was one of the watchmen; I told him, yes; he ſaid, for God's ſake go up ſtairs, I am afraid there is miſchief done; he had a carbine in his hand then; I went up the yard, and aſked the waiter which room the gentlemen were in; the waiter went up with me, to ſhew me the room; he was in a flurry and frightened; he ran by the door; then he came back and ſhewed me the room.

Q. Who did you find there?

Kemp. Mr. Parker.

Q. Any body elſe?

Kemp. Not a living ſoul beſides.

Q. How long did you continue in the room?

Kemp. All the whole night; I never ſtirred out of it, and continued with the gentlemen till I delivered them into Maidſtone Gaol, but when I helped to remove Mr. Parker into his bed, then I came back into the room again.

Q. How long was it before Mr. Stacpoole came into the room?

Kemp. It might be a few minutes after I was up, he came up.

Q. Do you know a gentleman of the name of Atkinſon?

Kemp. I do not.

Q. Did many people come in with Mr. Stacpoole?

Kemp. They did.

Q. What was Mr. Stacpoole's conduct when he came into the room?

Kemp. He ſeemed to be very much concerned in regard to the accident that had happened; when he firſt came in, Mr. Ball and they all came up together; ſaid he, Mr. Ball, you are the man that is the cauſe of this miſchief; if it had not been for you, the accident would never have happened in puſhing me backwards out of the room.

Q. I take for granted Mr. Ball's behaviour was perfectly mild and gentle?

Kemp. More like a dog at a bullock than any thing elſe; he flew at Mr. Stacpoole, and collared him; I, as a peace officer, took him off; at the ſame time he made the ſecond *retreat*, and flew at him again; I demanded peace; I told him I thought that was not a proper time to breed a riot, and he was no gentleman to act in the manner he did. He flew at Mr. Stacpoole a third time, and collared him again; I had my ſtaff and lanthern in my hand. He faſtened then by both hands on both ſides Mr. Stacpoole's collar; I catched hold of him, flung him round, and threw him into a chair, and told him, if he would not be eaſy I would find a place that would make him eaſy, for I would put him in the cage.

Q. In the midſt of this anger of Mr. Ball, did he deny what Mr. Stacpoole had charged him with?

Kemp. Not all the night. Mr. Stacpoole frequently charged him with it in the courſe of the night, and Mr. Ball never denied it, but he behaved very abuſeful all the whole night.

Q. How did Mr. Stacpoole behave to Mr. Parker?

Kemp. He ſeemed very much afflicted; he cried out for a ſurgeon; and after Mr. Parker was removed out of the room into the other room where there was a bed, he ſat down and wrote a letter to ſend off for the beſt ſurgeon that he could think of, or judge of in London; the hoſtler got the horſe and a boy ready to ſet off with it while he was writing the letter; at the ſame time the hoſtler came up into the room to receive the money for the horſe-hire. Mr. Stacpoole laid down a guinea, and bid the

hoſtler take it up; the hoſtler was going to give him change; he bid him not give him any change, but take the whole money, that he might have money on the road, in caſe of his horſe tiring that he might hire another.

Q. We have been told that Mr. Stacpoole was very abuſive and ſcurrilous, and reproached and reviled Mr. Parker in the miſerable ſituation in which he was found.

Kemp. I never heard amiſs word come out of his mouth; he ſeemed to be very ſorry for the accident that had happened.

Q. If ſuch words had paſſed his lips, you muſt have heard them?

Kemp. Certainly; I ſtood all night with my back againſt the door, letting people in and out; there were four of us had them in cuſtody all night.

CHRISTOPHER ATKINSON, Eſq; *ſworn.*

Q. What are you?

Atkinſon. A corn-factor.

Q. In London, I believe?

Atkinſon. Yes.

Q. Did you happen to be at Dartford at this time?.

Atkinſon. On the 17th of Auguſt, 1775, I was going from London to Margate with my family; I did not get out of town till towards the evening; I ſtaid all night at Dartford, as a couple of gentlemen, that are my partners, ſaid we ſhould be in ſome danger of being robbed; we went to the Roſe Inn; Mr. Evans and Mr. Thiſtleworth were there; Mr. Evans is ſince dead.

Q. That is the ſame Mr. Evans that Mr. Stacpoole alludes to?

Atkinſon. Yes; Mr. Evans, my late partner, he died on the 7th of December laſt; both my partner, my wife and ſelf, ſupped together in a room at the Roſe Inn, it was a quarter after eleven; Mrs. Atkinſon had been gone to bed ſome time; I was waiting for the ſervant to return down, both my ſervants were out, my partner was gone out for the air; it was a very hot night; I was reading the newſpaper; one of my ſervants came in, and ſaid, Sir, our apprehenſions of being robbed were, I believe, well founded; for a man has been ſhot at the Bull. I went immediately to the Bull; Mr. Evans and Mr. Thiſtleworth were got there before me, for they happened to be at the door of the Roſe with my ſervant; they had heard the noiſe when it happened. Upon entering the room at the Bull, which, I ſuppoſe, might be from four to ſix minutes from the time the accident happened (it was a very ſhort ſpace of time; it is impoſſible to ſay the time preciſely) when I firſt entered the room I ſaw Lagier in a red jacket; they were all entire ſtrangers to me; my foreign ſervant told me, he was a foreigner; I ſaid, cannot he ſpeak Engliſh? he ſaid, Yes, he can. I addreſſed myſelf to Lagier, and aſked him, what was the matter? Lagier then told me, that he came down there with a couple of gentlemen, and that they had three warrants to arreſt a Mr. Parker and his brother; that on entering the room he ſaid he went to Mr. Parker, knowing him very well, and ſaid, Mr. Parker, I arreſt you in the King's name.

Q. Were Ball and Maſterſon within hearing?

A. They were all ſtrangers to me; the ſingularity of Lagier's dreſs, and my ſervant ſaying he was a countryman of his, made me accoſt him; that upon entering the room, and ſhewing his authority, whether calling them warrants or writs, I am not ſure, he ſaid in the King's name, I arreſt you, Mr. Parker; that Mr. Parker inſtantly jumped up, and ſaid, zounds! where are my piſtols? and called for his piſtols: this was his repreſentation of it. He ſaid that, at the ſame time, another perſon jumped up, clapped his hand upon one candle and put it out, and knocked down the other; that it fell upon the ground; that it gave a glimmering light, as it did not go quite out; he ſaid, that upon Mr. Parker's calling for his piſtols he called out for help; the conſequence was, that Mr. Stacpoole and Mr. Gapper, who were waiting at the outſide of the door, then entered; that Mr. Ball immediately ſeized Mr. Stacpoole by the collar, and knocked him back; that in this fall a muſket or carbine, or ſome ſmall gun, that Mr. Stacpoole had in his hand, went off.

Q. During the time you were in the room, how did Mr. Stacpoole and the other gentlemen behave with reſpect to the wounded perſon?

Atkinſon.

Atkinſon. Juſt after I had heard this account from Lagier, Mr. Ball, Mr. Maſterſon, Mr. Stacpoole and Mr. Gapper, perceiving ſomebody in the room ſomewhat different from the general crowd of the people, they all were very impatient to addreſs me upon the ſubject. Mr. Ball ſpeaking much louder than the reſt, was obliged to be attended to firſt: they importuned me for my name; I ſaid that probably ſome trouble might attend a circumſtance of this kind, and wiſhed they would excuſe me. This encreaſed their importunity; I then gave them my name and addreſs; when I had done that I endeavoured to inveſtigate the matter as much as I could, and Mr. Ball then told me, he ſhould ſhew me how unreaſonable an arreſt of that kind was, for he begged my attention to a bond he had, and which very bond I remember was for between 500l. and 600l. I did not minute down the ſum, for wherever the bond is I ſhall know it, as I put my mark upon the corner of it; he ſhewed me the bond, as a juſtification on their part, that they intended to ſecure Mr. Stacpoole. I remarked to Mr. Ball that I was an entire ſtranger to all parties, that I had never ſeen any of them before to the beſt of my knowledge, or heard their names; but that I underſtood Mr. Parker was going out of the kingdom; that for my own part I ſhould conſider the bond of a man going out of this country as a very poor ſecurity. This rather ſtaggered Mr. Ball; he ſaid, if they did not like that they had the money ready at their bankers. I ſaid that was more extraordinary ſtill, if the money was ready, to give a bond at ſix months; but ſince that, when I have met him in the ſtreet, he has not known me, nor moved his hat.

Q. Did you hear Mr. Stacpoole in your preſence charge Ball with being the cauſe of this, and mention the manner in which this accident happened?

Atkinſon. I ſaid Mr. Stacpoole could not know that (meaning the execution of the bond). This cloſed Ball's mouth. Mr. Ball being thus ſilent, it gave Mr. Stacpoole an opportunity to ſpeak; and in my preſence he ſaid to Ball's face, that the moment Lagier called for aſſiſtance, and I entered the door, you flew at me, collared me, and knocked me down; I have a weakneſs in one knee which occaſioned your blow to have greater effect than it would, for I immediately dropped, and in the fall the carbine went off, of which you are the author. And this Ball did not deny; but I never heard a man abuſe gentlemen as Mr. Ball did Mr. Stacpoole and Mr. Gapper in my life. Mr. Stacpoole did keep his temper, becauſe he ſeemed ſhockt beyond meaſure; but Mr. Gapper did not, and if I had not requeſted it I believe he would have ſtruck him; Mr. Gapper put himſelf in a poſture of defence, and ſaid he could not bear this language. Mr. Stacpoole was very much hurt indeed and concerned. Before this I ſaid, is a ſurgeon ſent for? Mr. Stacpoole ſaid, yes; I have ſent for the beſt I can get in the town, and as ſoon as I can diſpatch an expreſs, I ſhall ſend for the beſt I can get in London; he got a pen and ink, and ſent an expreſs to town with all diſpatch, with as much impatience and anxiety as a man could expreſs.

Q. Did you obſerve any thing of Mr. Stacpoole's finger?

Atkinſon. Yes: the fore-finger of his right hand was bruiſed a good deal; it was bleeding. He ſaid his hand was laid upon the lock when he fell down; it was bruiſed a good deal of both ſides; it was cut a good deal, and bleeding.

Q. Did you hear any thing ſaid the next morning by Ball reſpecting this accident?

Atkinſon. Yes; the next morning I walked to the inn to enquire how Mr. Parker did; my humanity was a good deal hurt to ſee a man wounded; and therefore if I could have had any bias, I ſhould have hinged on that ſide of the queſtion. I learned of the ſurgeon that there was ſome danger, but ſtrong hopes that he might do well. Upon entering the room I ſat down by Mr. Ball; we entered into converſation upon the ſubject; I ſaid this circumſtance muſt be accidental, for it ſtrikes me it is impoſſible that it could be for the purpoſe, becauſe Mr. Stacpoole is a creditor, and it could never be for his intereſt to ſhoot his debtor; he ſaid, that is very true: I ſaid, do you conceive him then to be that mad, unthinking, wicked man, that he would purpoſely kill him at the riſque of his debt, and his life? he ſaid no, I don't believe he did; I don't think he is that man neither.

Q. Theſe were the words of Mr. Ball?

Atkinſon. Yes, they were what he ſaid the next morning.

JOHN MACNAMARA, Eſq. *ſworn.*

Q. You are at the bar, I believe?

Macnamara. I am.

Q. You were at Dartford?

Macnamara. Yes; I received an expreſs from Mr. Stacpoole at, I ſuppoſe, about three in the morning, on the 18th day of Auguſt, which was four hours after the accident happened; the letter Mr. Stacpoole wrote me is unfortunately miſlaid; the contents of it were, to the beſt of my recollection, that I ſhould immediately repair to the beſt ſurgeon I could find; if I recollect right, he mentioned Mr. Potts in Lincoln's-Inn-Fields; I went there; I contrived to get a carriage and horſes; Mr. Potts was not at home, but his partner, or a gentleman that does the buſineſs for him, a Mr. Horne, accompanied me to Dartford; when I arrived, which was at about ſix or ſeven in the morning, there was a vaſt confuſion in the room; there were conſtables and ſpectators, and Mr. Ball and Mr. Maſterſon, and Mr. Stacpoole; upon my entrance into the room, I found Mr. Ball very much abuſing Mr. Stacpoole; I was exceedingly confuſed at the account I had received; as ſoon as I poſſibly could, I ſaw Mr. Parker, and ſpoke to the ſurgeons; all that I could learn from the ſurgeons was, that he was in very great danger; I exerted myſelf to enquire in caſe the wound ſhould be mortal, to diſcover the truth of the matter in favour of Mr. Stacpoole and Mr. Parker, and to do all I could for Mr. Parker, as well as Mr. Stacpoole; I queſtioned Mr. Ball very particularly; at firſt he made me anſwers, ſuch as were the reſult of paſſion and madneſs; I really looked upon him to be mad; in conſequence of his conduct upon my arrival, I aſked him, at length, if he could ſeriouſly imagine that Mr. Stacpoole intended to ſhoot Mr. Parker? and I take upon myſelf to ſwear he told me, he did not imagine that Mr. Stacpoole intended to ſhoot Mr. Parker, that he did not believe he intended to ſhoot Mr. Parker; I ſwear that poſitively; and, at this diſtance of time, I would not take upon me to ſwear it poſitively, if I had not taken a memorandum of it upon the ſpot, which I gave to my friend, Mr. Alleyne, many months ago.

Court. This is very ſtrong evidence to be ſure; for the whole depends upon this, Whether it was a wilful malicious ſhooting, or the gun went off by accident?

Ball. It is very inconſiſtent that in the morning I ſhould ſay this, and in the evening ſwear a poſitive affidavit directly contrary; I met Mr. Macnamara at Mr Pott's door in Lincoln's-Inn-Fields; he aſked me, if there was any likelihood of the matter being made up; I ſaid, I believed not, that Mr. Parker ſeemed very determined to proſecute; then he ſaid, by God he will be hanged.

Counſel for the Priſoner. That is very improper behaviour.

Counſel for the Crown. I only deſired, that Mr. Ball might acknowledge, or deny that confeſſion that is alledged, and I ſay nothing more.

Macnamara. I aſked a number of people queſtions, which were not anſwered at all, or elſe not ſatisfactory; they gave a confuſed account; and the only thing further that I can ſpeak poſitively to, is, an anſwer that King, the waiter, made me, who has been examined to-day; I aſked him, if he conceived that Mr. Stacpoole intentionally fired at Mr. Parker? that he muſt have ſome knowledge of it, as he went into the room firſt; he told me, he believed not, and aſſigned this as a reaſon; that upon his turning about after Lagier had entered, he conceived that the gun, or whatever he called it, in Mr. Stacpoole's hand, was pointed at the cieling in ſuch a direction, that if it went off, it muſt go through the cieling.

Atkinſon. I beg leave to ſpeak further; Mr. Ball has taken the liberty of contradicting what I have juſt ſworn; I will mention to your Lordſhip one corroborating circumſtance: I was in the coffee-houſe a few days afterwards at Margate; ſome gentlemen, who were juſt come from London, mentioned theſe two gentlemen and a ſervant being committed; I was ſitting in the oppoſite box, and they remarked, that one Ball had ſworn that the gentleman fired the gun on purpoſe; I immediately remarked, is it poſſible there can be ſuch a man on the face of the earth? for he ſaid to me in the morning, between eight and nine, that he did not, nor think him capable of doing it.

Mr.

Mr. DAVENPORT SIDNEY *ſworn.*

Q. Do you remember, upon the 25th of Auguſt, entering into converſation with Mr. Maſterſon relative to this affair, and what Mr. Maſterſon ſaid would be the nature of the proſecution?

Sidney. Yes.

Q. Give an account of the revenge that Mr. Maſterſon expreſſed to come from him and Mr. Ball?

Sidney. On Friday, the 25th of Auguſt, I happened to be at Dartford; I called at the Bull; I met Mr. Maſterſon leaning over the gallery; I got into converſation with him; he told me, it was the determined reſolution of him and Mr. Ball to take away the life of Mr. Stacpoole, and that whether Mr. Parker ſhould live or die, they would hang him; at the ſame time he mentioned, that he would, by public advertiſements and paragraphs in the papers, totally deſtroy the character and reputation of Mr. Stacpoole, and that he would be revenged of him, if there were no more men living.

Q. Whether he ſwore to this?

Sidney. He ſwore at one time, by God we will hang him, whether Mr. Parker ſhall live or die.

Q. Do you recollect whether he aſſigned a reaſon for it?

Sidney. I do not recollect that he aſſigned any reaſon for it.

Q. Did he mention any ill uſuage which was the occaſion of it?

Sidney. He ſaid, Mr. Stacpoole uſed him (Maſterſon) very ill at the time Mr. Parker lay on the floor.

Maſterſon. It is falſe in every particular, no ſuch converſation paſſed.

Sidney. I really believed, that Mr. Maſterſon imagined I was a friend to Mr. Parker, who was a gentleman I did not at that time know; nor did I know Mr. Stacpoole three days before that.

Counſel for the Priſoners. My Lord, we have many Members of the Houſe of Commons as to Mr. Stacpoole's character, if your Lordſhip thinks it neceſſary.

Court. It is unneceſſary.

Mr. *Ball.* As my character is impeached, I call upon Mr. Clive, who I ſee in Court, to give me a character.

GEORGE CLIVE, Eſq. *ſworn.*

All I know of Mr. Ball I will declare to your Lordſhip; Mr. Ball was recommended to me by Mr. Clive of Bath, and Mr. Sneyd, a very particular friend of his, begged my aſſiſtance to get him into ſervice; upon his character of him, I did take the liberty of mentioning him to Mr. Walſh, whom he ſerved ſome ſhort time; and, I believe, he grew tired of him. Now with reſpect to Mr. Stacpoole, I have been acquainted with him near ſix years; he has frequently applied to me for money, for ſome of his friends in Ireland; I had ſome of his mortgages; I have raiſed him upward of 150,000l. I always conſidered him as a very fair and upright man. A circumſtance of his humanity occurred to me from what Mr. Parker, in the croſs-examination, mentioned, which is this: Mr. Stacpoole did apply to me to lend him ſome money upon a very preſſing occaſion, it was for Mr. M.'s wife; Mr. M. had gone over to Ireland, and left his lady in England, ſhe happened to be lying in at that time; I did lend Mr. Stacpoole ſome money, and when the time came to pay this money, I believe he, or Mr. M—w, might have applied to Mr. Parker to lend his name to accept Mr. M.'s draught upon him for 500l. or 550l. I cannot ſay which; but that bill Mr. Parker having accepted, diſcharged the other, and took this bill, which I diſcounted for Mr. Stacpoole; this bill remained long unpaid; Mr. Parker never could pay it, but Mr. Stacpoole did; I did not like that Mr. Stacpoole ſhould bring ſuch bills of Mr. Parker's to me ever after; he repreſented Mr. Parker to me as a man of good fortune, and that I might very ſafely take his bill in lieu of the other; but I conſidered that it was more to oblige Mr. M. than to ſerve Mr. Stacpoole, that Mr. Parker accepted the bill.

Counſel. I have the honour of knowing who you are; that you are in the Houſe of Commons; but the Jury may not.

Clive. I am in Parliament.

Court. Gentlemen of the Jury, I am ready to ſum up the evidence to you, if you are not already ſatisfied in your own minds.

Jury. My Lord, we are perfectly ſatisfied.

Then the Jury immediately (without going out of Court) pronounced all the three Priſoners, NOT GUILTY.

ERRATA.

Page 14, line 20 from the bottom, ſubſtitute *Anſwer* inſtead of *Queſtion*; and in the following line, *Queſtion* inſtead of *Anſwer*.

Page 35, in Mr. Stacpoole's defence, line 11, for *particular attention*, read *patient attention*.

Page 36, line 31, for *its value*, read *their value*.

Page 41, line 5, for *obliging him*, read *calling on him*. Ibid, for *though*, read *indeed*.

The Information of WILLIAM WALE, *Servant to* Robert Auſton, *of Dartford in the ſaid County, Innholder.*

KENT.

THIS Informant upon his oath ſaith, That on Monday, or Tueſday laſt, Mr. John Parker, *whoſe name he did not then know*, but hath ſince learnt, now lying ill at his ſaid maſter's houſe, and another gentleman came in a poſt chaiſe to his maſter's houſe aforeſaid; and that yeſterday two other gentlemen alſo came thither in a poſt chaiſe, and joined the ſaid John Parker and the other perſon who came with him (who had not been from the ſaid houſe ſince there coming on Monday or Tueſday laſt, except to walk about the town). That laſt night about eleven of the clock, while the ſaid John Parker and the three other before-mentioned perſons were together in a room above ſtairs, a perſon from the Roſe Inn in Dartford aforeſaid, came to inquire whether two gentlemen in a poſt chaiſe, with a trunk in front, had not come there that day; to which this Informant anſwered, if he would go back and bring names, he would enquire. That very ſoon afterwards Mr. William Pope, the younger, of the Roſe Inn, came to his maſter's kitchen door and made the like enquiry, and that his fellow ſervant, John King, went out to anſwer him. That very ſoon after, he heard the report of a piſtol, or ſome fire-arms, diſcharged above ſtairs; whereupon, he immediately run up with a candle, and found the room, where the ſaid John Parker and the three other perſons were, all in darkneſs, and ſeveral perſons, who he ſuppoſed had come with the ſaid Mr. Pope, running about, up and down ſtairs, in great confuſion; and ſoon afterwards he, this Informant, found the ſaid John Parker had been ſhot, and much wounded; ſays, that there were two large piſtols in the room, where the ſaid John Parker and the ſaid three other perſons were, which he obſerved lying in the corner of the room upon the floor.

WILLIAM WALE.

Taken upon oath the 18th day of Auguſt, 1775, before me,
RICHARD HULSE.

THE Trial (at large) of JAMES HELL, [illegible] for feloniously, wilfully, and maliciously [illegible] Majesty's Dock-Yard at Portsmouth. Tried at the [illegible] on Thursday, [illegible] 1777, before Sir William Henry Ashhurst, Knt. one of [illegible] Majesty's Court of King's Bench, and Sir Beaumont Hotham, Knt. one of the Barons of [illegible] Court of Exchequer. Taken in *Short-Hand*, By JOSEPH GURNEY; and published by [illegible] of the Judges.

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